

FACE SHEET
(OAL-4)

(See Instructions on Reverse)
8508015
ORD 0285-16

AUG 1 1985

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW**

ENDORSED
APPROVED FOR FILING
SEP 4 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

SEP 05 1985
At 4:02 o'clock P. M.
MARCH TUNG EU, Secretary of State
By Virginia L. Brady
Deputy Secretary of State

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Jerry Demorest, Regulations Analyst

TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Sections 11-005.41, 44-103.22, 45-101.1(u), 45-101.1(ee), 45-302.21

SECTIONS ADOPTED

MPP Section 40-125.841

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 19, 1985

b. DATE OF ADOPTION OF REGULATION(S)

July 31, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

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(Attach additional sheets if necessary.)

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
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b. Provide the date on which the regulatory agency adopted the regulation(s).

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Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Amend MPP Section 11-005.41 to read:

11-005 GOAL FOR CHILDREN IN FOSTER CARE MORE THAN
TWENTY-FOUR MONTHS (Continued)

11-005

•4 Specific Goal (Continued)

- 41 The goal for the maximum number of children who have been in foster care for more than twenty-four months for the period of October 1, 19845 through September 30, 19856 shall be ~~11,300~~ 11,800 children or 40 38 percent of the AFDC-FC caseload, excluding guardianship cases.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11409, 42 USC 671.

(2) Adopt MPP Section 40-125.841 to read:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND 40-125
RESTORATIONS (Continued)

•8 Child Residing in Foster Care (Continued)

•84 Where an agency has placed a child in foster care, and at time of placement or subsequent thereto a court of competent jurisdiction in a county other than that in which the placing agency is located accepts responsibility for the child, the county shall initiate an intercounty transfer of the child's AFDC-FC case to the county in which the court is located.

•841 The receiving county accepts responsibility for the child when it receives and files the order to transfer in its respective court.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 375.

(3) Amend MPP Section 44-203.22 to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU (Continued) 44-203

•2 Caretaker Relatives (Continued)

•22 The caretaker relative of an eligible child must be one of the following:

•221 The father, mother, brother, sister, half brother, half sister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand, great, great-great.

•222 The stepfather, stepmother, stepbrother, or stepsister.

•223 The spouse of any person named in .221 or .222 even after the marriage has been terminated by death or dissolution.

For AFDC purposes, when a parent's rights to a child are terminated by the filing of a relinquishment with the Department or by court action, that parent and his or her relatives are no longer considered to be the child's relatives. When if an eligible child has been legally adopted, the relatives specified above shall be refer to the adoptive relatives of the child rather than the child's natural relatives.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Civil Code Section 224m.

(4) Amend MPP Section 45-101.1(u) to read:

45-101 DEFINITIONS

45-101

.1 The following definitions shall apply to the terms used in the AFDC-FC Program (Continued):

(u) Legal Guardian means the individual appointed^{††} guardian of the person or of the person and estate of a child by a California court, or

H (2) the individual similarly appointed by a court of
A competent jurisdiction of a different state.

N Generally in California, the legal guardian
receives Letters of Guardianship pursuant to:

D 1. Probate Code Section 1514, or Section 1440
if guardianship was established prior to
January 1, 1984; or

B 2. Welfare and Institutions Code Section
366.25(e).

O Letters of Guardianship do not necessarily specify
the code sections under which the guardianship was
K established.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Code of Civil Procedure Section 1913.

(5) Amend MPP Section 45-101.1(ee) to read:

45-101 DEFINITIONS (Continued)

45-101

.1 The following definitions shall apply to the terms used in the AFDC-FC Program (Continued):

(ee) A Relative means:

(1) A person related to the child by birth or adoption by virtue of being one of the following:

(A) The father, mother, brother, sister, half-brother, half-sister, uncle, aunt, first cousin, nephew, niece, or any such person of a preceding generation denoted by the prefixes grand-, great-, or great-great-.

(B) The stepfather, stepmother, stepbrother or stepsister.

(C) The spouse of any person named in (A) or (B) above even after the marriage has been terminated by death or dissolution.

(2) The child's birth parents and relatives specified in (1)(A) through (E) above for a child who has been relinquished by one or both parents or for whom the rights of one or both parents have been terminated, but for whom the adoption is not finalized.

For AFDC-FC purposes, when a parent's rights to a child are terminated by the filing of a relinquishment with the Department or by court action, that parent and his or her relatives are no longer considered to be the child's relatives.

(3) The adoptive relatives specified in (1)(A) through (E) above for a child who has been legally adopted.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Civil Code Sections 224m and 229.

(6) Amend MPP Section 45-302.21 to read:

45-302 PAYMENT (Continued)

45-302

•2 Payment Conditions

•21 Except as provided in •211 below, payment shall only be made when the child resides in an eligible facility which is not the same home in which the parent(s) or relative from whom the child was removed makes his/her home.

•211 When the authority for placement is a court order, AFBE-FE payment shall continue to be made to the foster care provider for an AFBE-FE eligible child when the parent or relative from whom that child was removed lives in the same eligible facility in which the child has been placed, provided:

(a) The court order has not been dismissed; and

(b) The placement worker has determined, as part of the child's services plan, that:

(1) The presence of the parent or relative is not contrary to the court order; and

(2) The foster care provider continues to provide day-to-day care and supervision; and

(3) The presence of the parent or relative is suited to the child's needs.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11401.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0485-23

8508301

REC

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AUG 30 2 17 PM '85

ADM OF
E LAW

ENDORSED
APPROVED FOR FILING

SEP 5 1985

Office of Administrative Law
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AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

SEP 05 1985

At 4:02 o'clock P. M.

MARCH TONG EU, Secretary of State

By

Virginia L. Brady
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer

TELEPHONE

5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 44-350.2

SECTIONS ADOPTED

MPP 44-350.131

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

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Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

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(Attach Approval)

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(Attach Approval)

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(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

Not Applicable

b. DATE OF ADOPTION OF REGULATION(S)

August 29, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Not Applicable

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☒ Effective on filing with the as required by statutes: (list) Government Code Section 11346.1(d)
Secretary of State

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

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FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety or general welfare within the meaning of Government Code Section 11346.1.

The following facts constitute the emergency:

1. On January 1, 1985, an amendment to Welfare and Institutions Code Section 11004(d) became effective. The statute now provides that no determination of ineligibility shall be made retrospectively so as to result in an assessment of an overpayment in circumstances where there is a failure on the part of an applicant or recipient to perform an act constituting a condition of eligibility if the failure is caused by an error made by a state agency or a county welfare department and if the amount of the grant received by the applicant or recipient would not have been different had the act been performed.
2. Current regulations, in accordance with the statute prior to January 1, 1985, require that all aid paid to persons who are ineligible must be considered an overpayment and must be recouped, regardless of the cause of the ineligibility. Therefore, overpayments are now being assessed and recouped according to existing regulations which are no longer authorized by the statute.
3. The regulation adoption process as set forth in Government Code Section 11346 et seq. is sufficiently lengthy that it precludes the implementation of this statute in the most prompt manner possible.
4. Failure to promptly implement this statute by adoption of emergency regulations will extend the period of time that needy recipients are deprived of AFDC benefits to which they are entitled under state law.

Adopt MPP Section 44-350.131 to read:

44-350 OVERPAYMENTS - GENERAL (Continued)

44-350

.1 General (Continued)

- .13 An overpayment is that amount of aid payment an assistance unit has received to which it is not eligible. An overpayment may be all or a portion of an aid payment. This includes aid paid pending a state hearing. (See .4 below.)

.131 An overpayment shall not include aid paid where all four of the following prerequisites are met:

(a) An applicant or recipient fails to perform an act constituting a condition of eligibility for aid. Acts which constitute conditions of eligibility shall include, but are not limited to those contained in Sections 40-105.21, 42-625, 43-106, 43-119.23, 44-103.23, and .24.

(b) The applicant's/recipient's failure to perform an act constituting a condition of eligibility is caused by a state agency error or by a county welfare department (CWD) error, and not by an applicant/recipient error.

(1) "State agency error," for purposes of this section is the agency's failure to promptly notify the CWD that the applicant/recipient does not or no longer meets a specific condition of eligibility.

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(A)	For example: EDD fails to notify the CWD that an applicant/recipient has been deregistered from Job Services (JS).
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(2) "CWD error," for purposes of this section, is the CWD's failure to inform an applicant/recipient that he/she must perform an act which

constitutes a condition of eligibility.

- (3) "Applicant or recipient error," for purposes of this section, shall occur only when the case record specifically documents that the applicant or recipient was notified, either verbally or in writing, of the need to perform the act which constitutes a condition of eligibility and did not perform the act in question after notification, within a reasonable period of time under the circumstances.

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(A) For example, where a child becomes six years old on April 6 and the CWD informs the parent of the requirement to WIN register on July 12, the parent's failure to WIN register in July would probably be a "recipient error" and, therefore, cause an overpayment for July. However, if the parent is informed of the WIN registration requirement on July 29, a failure to register within that month would probably not be a "recipient error" and there would be no overpayment for July because the recipient did not have a reasonable period of time to WIN register before the end of the month. In either case, there is no overpayment for April, May and June.

- (c) The amount of aid paid would have been the same had the act constituting the condition of eligibility been performed.
- (d) The state agency or CWD error is discovered or an overpayment is being calculated or an overpayment is being recouped on or after January 1, 1985.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004(d), Statutes of 1984, Chapter 1441, Section 1.

Amend MPP Section 44-350.2 to read:

44-350 OVERPAYMENTS - GENERAL (Continued)

44-350

.2 Definitions (in Alphabetical Order) (Continued)

- (b) Administrative Error Overpayment - Except as provided in Section 44-350.131, an overpayment caused by error on the part of the county when all information necessary to a correct determination of the grant was in the possession of the county. Administrative error also includes, but is not limited to county failure to advise applicant/recipients of social security number and WIN/Bemo or JS registration requirements, and EDD failure to notify the county when WIN/JS registration requirements are not met.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11004(d), Statutes of 1984, Chapter 1441, Section 1.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

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WITH THE OFFICE OF ADMINISTRATIVE LAW

0508075
ORD #0684-24

AUG - 7 1985

ENDORSED
APPROVED FOR FILING

SEP 5 1985

Office of Administrative Law

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AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

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of the State of California

SEP 05 1985

At 4:02 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Virginia L. Brady*

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy Howard

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: *22* 44-313.41, 44-313.42

SECTIONS ADOPTED

SECTIONS REPEALED

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ADMINISTRATIVE NOTICE REGISTER

August 31, 1984

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August 1, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

June 28, 1985 Thru July 12, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 44-313.41 to read:

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

44-313

•4 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit (Continued).

- 41 The income of an eligible individual added to an existing assistance unit shall be budgeted prospectively for the first two payment months, provided the individual has not been previously aided in that assistance unit or has had a break in aid of at least one calendar month, except in the following circumstances:

•411 If the individual is requesting a restoration when aid is restored following a break in aid from that assistance unit when the break in aid is of less than one calendar month, his/her income is budgeted retrospectively budgeting shall continue. See Section 44-313.223.

•412 When the added individual's income has been considered when determining the assistance unit's eligibility for the two months immediately preceding the beginning date of aid, retrospective budgeting shall be used.

EXAMPLE:

Handbook

Situation: The assistance unit is in retrospective budgeting. An unaided stepparent has income deemed to the assistance unit in December and January. The stepparent is added to the assistance unit on the first day of February, and remains eligible in subsequent months.

Budgeting: Retrospectively budget the stepparent's income deemed to the assistance unit in December to the February payment month. Retrospectively budget the stepparent's income deemed in January to the March payment month. Retrospectively budget all the stepparent's net nonexempt income received in February to the April payment month.

•413 When the added individual's income has been considered when determining the assistance unit's

eligibility for only the first month immediately preceding the beginning date of aid, his/her income shall be retrospectively budgeted in the second month of aid.

EXAMPLE:

Handbook

Situation: The assistance unit is in retrospective budgeting. A second parent moves into the home in January and applies for aid. Eligibility conditions are met at the end of January. The second parent is added to the assistance unit effective the first of February, and remains eligible in subsequent months.

Budgeting: Compute the second parent's income considered available to the assistance unit in January according to 44-133.3, and retrospectively budget this amount to the March payment month. Prospectively budget the second parent's net nonexempt income expected to be received in February to the February payment month. In addition, retrospectively budget the second parent's net nonexempt income received in February to the April payment month, if the income is of a continuous nature. (See Section 44-313.3.) Retrospectively budget the second parent's net nonexempt income received in March to the May payment month.

Amend Section 44-313.42 to read:

44-313 BUDGETING METHODS FOR AFDC-FG/U (Continued)

44-313

•4 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit (Continued)

- 42 The income received during the budget month by an individual during the budget month deleted from an assistance unit shall not be considered income to the assistance unit for retrospective budgeting in any payment month if the individual's need or income is not also used to determine eligibility for the payment month following his or her discontinuance except in the following circumstance:

- 421 When the person remains in the home following discontinuance and has income which is considered available to the assistance unit under Section 44-133, retrospective budgeting shall continue.

Example 1:

A child with income moves from the home in July. The child's needs are not considered for eligibility in August. Therefore, his/her June income is not considered when computing the grant paid in August.

EXAMPLE 2:

Situation: The assistance unit is in retrospective budgeting, and in January and prior months consisted of stepfather, mother and her separate child. Stepfather begins working full time and is removed from the assistance unit as of February 1. The stepfather remains in the home, and his income is deemed to the assistance unit according to 44-133.6 in February and subsequent months.

Budgeting: Retrospectively budget all the net nonexempt income received in November by the three-person assistance unit to the January payment month. Retrospectively budget all the net nonexempt income received in December by the three-person assistance unit to the February payment month. Retrospectively budget all of the

Handbook

Handbook

net nonexempt income received in January by the three-person assistance unit to the March payment month. Retrospectively budget the net nonexempt income received in February by the two-person assistance unit, including the income deemed from the stepparent in February, to the April payment month. Note: This budgeting method is used even when the stepparent's income is not actually considered available to the family because the stepparent's needs and other deductions allowed under 44-133.6 are greater than the income.

Authority: Welfare and Institutions Code Sections 10553, 10554, 11450.5.

Reference: Welfare and Institutions Code Sections 10553, 11450.5; 45 CFR 233.35(a), 233.31(b)(3); ~~letter of February 9, 1984 from Regional Administrator for Family Assistance of Department of Health and Human Services.~~

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0185-09

8508162

ENDORSED

APPROVED FOR FILING

SEP 17 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

SEP 17 1985

At 4:23 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Marjorie Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED 42-209; 42-213.11g, .2 Introductory Paragraph, .2m, .3 Introductory Paragraph, .32; 42-215.1; 42-221 Introductory Paragraphs, .1, .2 Introductory Paragraph, .25, .3 Introductory Paragraph, .33, .34, and .35;
SECTIONS ADOPTED 42-213.321
SECTIONS REPEALED 44-211.33 and .36.
42-217, et. seq.

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

45 Day Notice: April 19, 1985
15 Day Renote: July 26, 1985

b. DATE OF ADOPTION OF REGULATION(S)

August 13, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

July 26, 1985-August 9, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on November 1, 1985 (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Amend MPP Section 42-209 to read:

(1FM) Amend MPP Section 42-209 to read:

42-209 DIFFERENTIATION OF PROPERTY AND INCOME

42-209

Some payments may be considered property, income, or a combination of both depending on the source from which they are received and the period over which they are accrued. For the differentiation of such payments between property and income, see Section 44-105.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

- (2) Amend MPP Section 42-213.11g, .2 Introductory Paragraph and
.2m to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED

.1 Real Property to be Excluded

- .11 The following items are to be excluded in evaluating
real property (Continued):

- g. An Indian's interest in land held in trust by the
United States Government is excluded in evaluating
real property which is subject to the monetary
limits as set forth in Section 42-207. However,
to the extent that any such property is available
to the applicant or recipient, it is subject to
the utilization requirements in Section 42-217.

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
WHICH MAY BE RETAINED (Continued)

.2 Personal Property to be Excluded

The following are excluded from consideration in personal
property reserve limitations (see Section 42-207.61).
(Continued)

- m. The personal property belonging to the absent parent and
not actually available to the family or child in foster
care if the property is held by or in the name of the
absent parent or is held even in the name of the family
member(s) or child in foster care and the family or
child in foster care does not have access to it to meet
current needs. However, an availability determination
for such property must be made by the county as part of
the initial eligibility determination or as is warranted
by change in circumstances. (See Section 42-213.138.11h
above.)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 11255.

(3) Amend MPP Section 42-213.3 Introductory Paragraph and .32 and Adopt Section 42-213.321 to read:

(3FM) Amend MPP Section 42-213.321(b) to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213 WHICH MAY BE RETAINED (Continued)

.3 A home, regardless of its value, occupied by the Family Budget assistance Unit shall be excluded in evaluating property which may be retained. (Continued)

.32 The excluded home may be the unit of a an entire multiple-dwelling unit if the units not that is occupied by the Family Budget assistance Unit as a home are producing income consistent with their rental value for the support of the family. See Section 42-217. A home and a separate rental unit adjacent to the home shall be treated as a multiple dwelling unit provided they cannot be legally sold separately.

.321 The unit(s) of the multiple dwelling that is (are) not occupied by the assistance unit shall be treated as a resource and the value must be included in the property limit described in Section 42-207. See Section 42-215 for the method of determining the value.

(a) If the assistance unit is making a good faith effort to sell the unit(s) that is (are) not occupied as a home, the unit(s) may be exempt from consideration in the resource limit for a period of time under the conditions specified in Section 42-213.12.

(b) If the unit(s) that is (are) not occupied as a home cannot be sold separately, the unit(s) is (are) unavailable to meet current needs and shall be excluded in evaluating property. (See Section 44-113.1 for the treatment of income received from the rental of real property.)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257(b)(1).

(4) Amend MPP Section 42-215.1 to read:

42-215 DETERMINING VALUE OF PROPERTY

42-215

.1 Determination of Value of Real Property

For determination of AFDC eligibility, an applicant or recipient's equity interest in real property is determined by subtracting any allowable encumbrance against it from its market value (42-215.21). For determining utilization value of real property see Section 42-217.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.

(5) Repeal MPP Section 42-217, et seq:

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42-217 UTILIZATION OF REAL PROPERTY

42-217

.1 Definition of Utilization

.11 Reasonable Contribution to Recipient's Needs -- Income or Sale

Real property is utilized when it is making a reasonable contribution toward current needs, when a plan for its use supports a conclusion that it will so contribute in the immediate future, or when it is sold for an amount consistent with its current market value, and the plan and terms of sale are consistent with the requirement of reasonable contribution toward current needs.

Real property other than the home is expected to yield income reasonably consistent with its value. Unless there are unusual circumstances, such property should yield a minimum net return of six percent per year on the market value of the property. Net return is determined by deducting allowable expenses (see Income Chapter, Net Income). If the property is vacant for a portion of the year, only the prorated percentage of return which represents the period of occupancy shall be used. If a plan for the use of such property supports a conclusion that it will contribute to the need of the applicant in the immediate future, or if it is sold for an amount consistent with its current market value and the plan and terms of sale are consistent with the requirement of reasonable contribution toward current needs, the requirement for use of the property is met.

.112 Multiple Dwelling Unit

When the home is a multiple dwelling unit, the units not occupied by the recipient are expected to produce income consistent with their rental value. Consideration shall be given to the circumstances of each recipient so that undue hardship is not imposed. If the units have little or no net rental income, but are being rented as continuously as possible, the requirement that such units produce income consistent with their rental value is met.

.12 Sale Not a Reasonable Plan of Utilization

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Sale as a means of utilization is not considered reasonable if:

- .121 The property is a multiple dwelling, one unit of which is used as the home of the adult recipient or his spouse or the parent or child in AFDC.

Interpretation -- Property which has been the home of the applicant or recipient becomes subject to the income producing, utilization requirements when the applicant, the recipient and/or his immediate family are no longer able to live on the property and it is determined that they will not again be able to use the property as a home in the foreseeable future. However, property continues to be considered the home during temporary absence for reasons such as illness, seasonal employment, visits, extreme climatic conditions, etc., provided the recipient plans to, and it appears will be able to, return to the home when such circumstances no longer exist.

.2 Recipient Action Toward Utilization

.21 Statutory Requirements

The law requires that (1) if the home consists of multiple units, those units not occupied by the applicant be rented so that they may yield income for the support of the recipient, and (2) real property other than the home yield income consistent with its value for the support of the recipient. These requirements mean, in effect, that the recipient must utilize such property to help meet his needs.

.22 Period Allowed for Initiating Utilization Plan

The recipient is given a reasonable period in which to initiate a plan for utilization of property not already being utilized in some acceptable way. For new applicants this period is three months from the date the application was granted. Otherwise, this period is three months from the date the recipient was advised of the utilization requirement. In either case, the period may be extended if circumstances beyond his control prevent the owner from proceeding with his plan. If a recipient has made no effort to utilize his property by the expiration of a reasonable period, ineligibility results.

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An applicant or recipient who refuses to consider development of a plan for utilization becomes ineligible immediately.

.23 Period Allowed for Development of Utilization Plan

Until an acceptable method of utilization is found, all reasonable methods must be attempted and the recipient is given one year (including the initial three-month period) in which to develop such an acceptable method of utilization. This period may be extended if there are extenuating circumstances which support a conclusion that a successful method of utilization can and will be developed within six months following expiration of the one-year period.

Interpretation -- The time limit for developing an acceptable method of utilization is considered met if at the end of the specified period the property is making a reasonable contribution to the recipient's current needs or, if all other efforts to make the property so contribute have been unsuccessful, the property has been listed for sale at a price consistent with its market value. When sale is the only reasonable method of utilization, eligibility continues as long as the recipient makes a continuous and bona fide effort to sell his property.

.3 Decision As to Way of Utilizing Property

The applicant or recipient makes the decision as to the way in which he will utilize his property provided the chosen plan is one from which it appears that reasonable net income will be derived, or one which is otherwise consistent with the requirement that the property be utilized to meet the need for shelter or contribute to his support.

Interpretation -- The following questions suggest information which is pertinent to a determination of whether the chosen plan of utilization is reasonable.

1. Does the property yield net income after allowable expenses are considered? (See Income Chapter.) If so, is the net income consistent with what would normally be considered a reasonable return on the investment?
2. If the property yields little or no net income, does it appear that there is a potential for larger income as the current plan of utilization develops? (If property which normally produces net income is producing little

or no income presently due to vacancies, etc., decision as to whether it is being satisfactorily utilized might reasonably be based on the average net income during the past five years, provided it appears probable that reasonable net income will again be produced in the immediate future.)

3. Does it appear probable that a larger net income could be derived under a different plan of utilization? If so, are the recipient's capabilities such that it is reasonable to expect him to develop another plan of utilization?
4. If the property does not yield reasonable net income, is it meeting needs of the applicant or recipient in some other manner which is consistent with the income potential of the property?
5. If the net income potential is small, is it reasonable to retain the property or is the market value such that sale is the only reasonable plan of utilization?

If sale is the plan of utilization or, if property being utilized in another manner is also listed for sale, the facts in the case must be evaluated and the plan of sale, whether it is under contract or with title passing to the buyer, subjected to the same tests of acceptability.

An outright property sale, title passing to the buyer, is sometimes more consistent with the requirement of a "reasonable contribution to the recipient's needs" than is sale under contract. The reason is that the seller usually receives a more substantial down payment and the proceeds including the down payment, note secured by a deed of trust, etc., are frequently of sufficient value that aid payments are discontinued and the recipient supports himself for a period of time.

In a sale under contract the seller retains title to the property until the payments are completed. However, he is not entitled to rent or otherwise use the property and is not obligated for taxes, insurance or upkeep. The only income from the property is the interest on the unpaid balance. If the interest is fixed at a low rate or is waived, there may be no income or the resulting income may be so low as to support a conclusion that the sale was made in this manner to avoid utilization. On the other hand, sale under contract may be the only type of sale possible. Also, in some cases, the net income from interest on the contract may compare favorably with the property income potential under any other

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means of utilization and thus lead to a conclusion that the particular sale results in a "reasonable contribution to the recipient's needs".

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11257.

(6) Amend MPP Sections 42-221 Introductory Paragraph and Interpretation; .1, .2 Introductory Paragraph and .25; and .3 Introductory Paragraph, .33, .34, and .35 to read:

(6FM) Amend MPP Section 42-221.25 Interpretation to read:

42-221 TRANSFER OF PROPERTY

42-221

Property, real or personal, constitutes a resource and is subject to the basic public assistance principle that resources which are actually available to the applicant or recipient must be considered in evaluating need and in determining eligibility. Since property is a resource, the transfer or assignment of property for less than the fair market value must be examined. If the property transferred would have affected the eligibility of the applicant or recipient or the amount of grant to which he was entitled or would have been subject to the utilization requirements, the purpose and intent of the transferor must be evaluated.

Interpretation -- The reason an applicant or recipient transferred property, i.e., his actual intent in doing so, is the single, most essential element to be considered in determining the effect of the transfer upon his eligibility. A transfer of property is, in itself, disqualifying only when the transferor's reason for making the transfer was to qualify for aid or for a greater amount of aid or to avoid utilization.

In determining the transferor's "intent" it is necessary to evaluate his stated reason for the transfer and the consistency of such statement with the known facts. The consideration received for the property transferred may not have been adequate; the transfer may have been ill-advised and/or the transferor in making the transfer may have exercised poor judgment. However, these facts alone do not automatically establish that a transfer was disqualifying. The motives of the transferor must be carefully scrutinized, the important determination being the transferor's actual reason for the transfer and the relationship of that reason to his application for or continued receipt of aid.

.1 Responsibilities in Property Transfers

.11 Responsibility of Applicant/Recipient

Applicants and recipients are responsible, insofar as able, for giving all available information to assist the

county in determining whether a transfer of property was made in order to qualify for aid, or to qualify for a larger amount of aid, or to avoid utilization. Recipients are also responsible for immediately notifying the county of any transfer which occurs after aid is granted.

Although only the person concerned can state what his intent was in transferring property, his actions can support or contradict such a statement and his real intent can be determined only by consideration of all the facts.

•12 Responsibility of County

The county is responsible for informing the applicant and or recipient regarding real and personal property limitations and requirements, his rights and responsibility in relation to his property and the advisability of discussing any proposed property transfer with the county before the transfer occurs.

Interpretation -- The county can help protect the interests of the applicant and at the same time help assure appropriate utilization of his property resources by interpreting to him at the time of application, and as often as may be necessary thereafter, the purposes for which he may retain property and the requirements with respect to utilization. (See Sections 42-207, and 42-217.)

•2 Transfers of Real or Personal Property Which Do Not Result in Ineligibility

There is a presumption that transfers made more than two years preceding the application were not for purposes of qualifying for aid or for a greater amount of aid or to avoid utilization. Other circumstances under which property transfers do not result in ineligibility are specified in the following sections: (Continued)

•25 Transfer of Real Property With Retention of Life Estate (Eligibility Not Affected)

Real property transferred with retention of life estate is subject to the monetary limits set forth in Section 42-207.

•251. The Home Property

Transfer of real property at any time with the retention of life estate does not result in ineligibility when the property is the home of the grantor and will continue to be utilized to meet his housing need.

§252 Property Other Than the Home

Transfer of real property with retention of life estate within two years prior to application does not result in ineligibility if:

- a. The property is being utilized or a plan for utilization is in progress and the transfer does not preclude future utilization by the life tenant, or
- b. Development of a reasonable plan for utilizing the property is not possible.

The life estate agreement must be written and recorded. (See Section 42-221.34 for circumstances under which it is presumed that a transfer of property with retention of life estate results in ineligibility.)

Interpretation -- The code provides that a property transfer does not result in ineligibility provided:

- a. The transfer does not deprive the individual of the current use, enjoyment or income thereof, and
- b. The value of the property transferred would not have rendered the individual ineligible for aid.

Usually, when an individual transfers property and retains a life estate, he also retains the current use, enjoyment and income of the property. However, circumstances may change in the future. Property which has been used as a home may become subject to the utilization requirements because the individual is no longer able to use it as a home. In some instances the individual may need to sell the property as a means of utilization or to finance another living plan and his ability to utilize the property in a satisfactory manner sell may be seriously limited because of a remainderman's interest in the property. Therefore, an applicant or recipient who considers deeding all or a portion of his real property and retaining only a life estate therein, should be urged to include in the deed the right to revoke the life estate transfer at any time

during his lifetime and thus protect his right to receive the entire proceeds from sale, if this becomes necessary. Such a provision in no way prevents the remainderman from receiving the property without probate, at the time of death of the life tenant, as long as it has not been necessary for the life tenant to revoke the life estate.

An applicant or recipient cannot be required to include the right of revocation provision in the deed if he is going to be able to utilize the property in a satisfactory manner as a home or otherwise, at the time the life estate provision is made. However, adding the right of revocation is a protection to the applicant/recipient and helps assure continued compliance with utilization requirements, if there is a later change in individual circumstances.

.26 (Continued)

.3 Transfers of Real or Personal Property which Result in Ineligibility

Transfers of property made to qualify for aid or for greater amount of aid, or to avoid utilization, result in ineligibility. Circumstances under which ineligibility is presumed to exist as a result of property transfer are specified in the following sections. (Continued)

.33 Transfer of Real Property for the Purpose of Avoiding Utilization to Safeguard Future Eligibility Status

Even though the combined real property holdings of an applicant or recipient or the equity therein is within the statutory maximum (42-207.1), a transfer of all or of all or a portion of such property results in ineligibility if the transfer is made +

+331 To avoid utilization of the property, or

+332 To safeguard future eligibility status by divesting the applicant or recipient of proceeds which he would receive if the property were sold.

.34 Transfer of Real Property With Retention of Life Estate (Ineligibility Presumed)

There is a presumption that ineligibility results from a transfer of real property without consideration with retention of life estate if:

- a. Transfer was within two years of date of application for public assistance, and
- b. Utilization of property was possible only by sale, and
- cb. Value of personal property when added to market value of transferred property would have exceeded the maximum amount of property reserve permitted by law.

The presumption is overcome if the transferor's purpose at the time of transfer was not to avoid utilization or future ineligibility. (See Section .25 above for circumstances under which it is presumed that a transfer of property with retention of life estate does not affect eligibility.)

.35 Relinquishment of Life Estate to Avoid Utilization

There is a presumption that ineligibility results from Relinquishment of a life estate in real property is presumed to be for the purpose of avoiding utilization if:

- a. The property is being utilized by the life tenant either as his home or in another way, or utilization is feasible, and
- b. The life tenant does not receive adequate consideration.

Unless this presumption is overcome, ineligibility results.

When the transfer of title with retention of life estate occurred two or more years prior to application for public assistance, adequate consideration for a subsequent relinquishment of the life estate is determined by applying the California State Gift-Inheritance Tax formula (see interpretation below). Otherwise, adequate consideration is that which is consistent with the net sale value of the property at the time of relinquishment. If the remainderman has invested in the property, the value of the life estate would be modified by the remainderman's investment.

Interpretation -- The law requires, in effect, that real property be utilized in full to meet the needs of the recipient. Adequate consideration for such property is

therefore, defined in terms of the total net market value of the property, this being true whether the property is disposed of in one transaction, i.e., outright sale or in two transactions, i.e., (a) transfer with retention of life estate and (b) relinquishment of the life estate to permit sale. In either case, the recipient has divested himself of a resource, which he was required to utilize to meet his needs.

When a an applicant or recipient receives adequate consideration for relinquishment of his life estate interest, it eliminates the presumption that relinquishment was to avoid utilization qualify for aid. If he does not receive adequate consideration, there is a presumption the relinquishment was to avoid utilization qualify for aid. However, this presumption can be refuted and when such presumption exists, the county has an obligation to go one step further and evaluate the applicant's or recipient's intent.

When it is determined that a an applicant or recipient in two steps (1) transfer with retention of life estate and (2) subsequent relinquishment of the life estate, has divested himself of property which, if retained, he would have been required to utilize and actions support a determination that his intent in doing so was to circumvent or avoid utilization of the property, then the situation is treated in the same manner as it would have been if he had divested himself of the entire interest in the property in one transaction.

Interpretation: (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 11257.

Income which was appropriately exempt from consideration in determining the public assistance grant for the current month such as the \$30 and 1/3 exemption for earned income and EIT payments (see Section 44-111) is included in the evaluation of shall be considered a liquid asset if provided it is still available to the recipient and if not exempt for a specific purpose (e.g., relocation assistance benefits, business investment and a grant or loan for educational purposes, loans or grants, incentive payments and training allowances received for participation in

assets. shall not be considered immediately available liquid assets. rehabilitation or self-support of employment, etc., implement and continue an approved plan for tools of trade, equipment and materials necessary to considered liquid assets. Liquid assets essential to a effects, automobiles, real property, etc., shall not be the market value of household furnishings and personal surrender value of insurance, mortgages, trust deeds, be considered available liquid assets. The cash negotiable stocks or bonds, bank accounts, etc., shall that which can be converted immediately to cash, such as property items that are immediately available as cash or

"Liquid assets" as used herein means resources which are immediately available or can be made immediately available. This includes cash, negotiable stocks or bonds, bank accounts, etc.

assets. be provided for out of the recipient's available liquid of the grant to the extent that the special need cannot liquid assets, the balance shall be allowed as a part in full part by the applicant's/recipient's available amount of a nonrecurring special need cannot be met only all his available liquid assets. When the allowance for by first requiring the applicant/recipient to utilize the costs of any nonrecurring special needs shall be met

• 3 Nonrecurring Special Needs (Continued)

44-211 SPECIAL NEEDS IN AFDC (Continued) 44-211

(7FM) Amend MPP Sections • 33 and • 36 to read:

(7) Amend MPP Sections 44-211.33 and • 36 to read:

rehabilitation, training and employment services to the extent these payments do not exceed actual expenses, and other monies received for a specific purpose, shall not be considered available liquid assets.

•3 Nonrecurring Special Needs (Continued)

- 36 The total amount allowed for nonrecurring special needs, in addition to liquid assets utilized by the applicant/recipient, shall not exceed \$~~3~~600 for each incident described in Section 44-211.31.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11450(e)(2).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

8508193

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

REC'D

AUG 19 9 56 AM '85

OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING

SEP 20 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

Rosali Clark

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

ORD # 1184-59

FILED

In the office of the Secretary of State
of the State of California

SEP 20 1985

At 4:25 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Mayra Herschberger*
Deputy Secretary of State

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE

445-1878

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22

41-440.45

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

February 1, 1985

b. DATE OF ADOPTION OF REGULATION(S)

May 6, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 12 - April 26, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on date of filing with

Secretary of State

(Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CORRECTION TO ORD # 1184-59

Amend Section 41-440.45 to read:

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued) 41-440

.4 Conditions to be Met for Federal Participation in Payments to
AFDC-U Families (Continued)

.454 The ~~AFDC-U~~ principal earner, who is apparently eligible
for UIB (see Section 44-103.115(a)), shall apply for and
accept any unemployment insurance benefits (UIB) to
which he/she is entitled, when referred to EDD by the
county welfare department. When the principal earner
does not meet this requirement, Federal AFDC-U
deprivation does not exist for the family (see Section
44-206.25). See Section 44-103 for the requirements for
pursuing UIB as potential income for principal earners
who are not exempt from WIN registration.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1284-69

Editorial

8508233

FILED

In the office of the Secretary of State
of the State of California

SEP 23 1985

At 4:37 o'clock P.M.

MARCH FONG EU, Secretary of State

By Margaret Hershberger
Deputy Secretary of State

AUG 23 10 35 AM '85

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

SEP 23 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 MPP Section 11-400

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☒ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

Not Applicable

b. DATE OF ADOPTION OF REGULATION(S)

August 22, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Not Applicable

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Renumber MPP Section 11-400 to read:

11-400 AFDC-FOSTER CARE RATES

11-400

.1 Definitions. The following definitions shall apply wherever the terms are used throughout Chapter 11-400:

(a) Base Rate - the group home rate established by the Department during the prior fiscal year, or adjusted by audit pursuant to Section 11-402.741(a).

(b) Basic Rate - the rate paid on behalf of an AFDC-FC child placed in a family home exclusive of any specialized care increment.

(c) Cost Rate - the group home rate resulting from the computation in Section 11-402.15 of a program's reporting period, before application of a rate ceiling.

(gd) Daily Supervision - all functions of the day-to-day care of the child, including assistance as needed with activities of daily living, personal care, planned activities, food service, incidental medical and dental care as specified in California Administrative Code, Title 22, Section 80409(a), and the assumption of responsibility for the safety and well-being of the child.

(he) Department - the State Department of Social Services.

(f) "Exclusive use home" means a family residence certified by a licensed homefinding agency and issued a certificate of approval by that agency as meeting licensing standards and used exclusively by that homefinding agency for placements.

(tg) Family Home shall be defined in accordance with Section 45-101.1.

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(1) The term family home is defined in Section 45-101.1 as follows: Family Home - the family residence of a licensee in which 24-hour care and supervision are provided for children and which is licensed by the appropriate community care licensing agency or a family residence which is approved and which provides care and supervision. For rate setting purposes, the term family home shall include homes licensed as foster family homes, or small family homes and homes which are

approved. See Section 45-101.1 for definition of approved home.

(j_h) Fiscal Year - the state fiscal year which begins July 1 and ends June 30 of the following year, unless otherwise specified.

(k₁) Group Home shall be defined in accordance with Section 45-101.1.

The term group home is defined in Section 45-101.1 as follows: Group Home - means a nonsecure, privately operated residential home of any capacity, including a private child care institution, that provides services in a group setting to children in need of care and supervision, and which is licensed as a community care facility by the Department. See Section 42-503.3 for definition of private institution.

(l₁) Homefinding Agency shall be defined in accordance with Section 45-101.1.

The term homefinding agency is defined in Section 45-101.1 as follows: Homefinding Agency - any individual or organization licensed by the Department and which is engaged in finding exclusive-use homes for placement of persons of any age for temporary or permanent care, or adoption.

(s_k) Host County - the county in which a family home or group home is located.

(t₁) Leaseback - for the purposes of these regulations, leasebacks are limited to the following business arrangements: sale and leaseback, less-than-arms length leases, and long-term leases that create material equity pursuant to 45 CFR Part 74.174 and OMB Circular A-122, Attachment B, paragraphs 42(b) through (d).

(m) New homefinding agency program - is one which:

- (A) Serves an entirely different population at an entirely different level of service than that currently served by the homefinding agency's existing program(s); and
- (B) Is either based in different exclusive use home(s) than the current program(s) operated by the homefinding agency, or the current program(s)

operated by the homefinding agency is replaced by an entirely new program.

- (n) New homefinding agency provider - is one who:
- (A) Has not operated a homefinding agency or group home program for AFDC-FC funded children in the fiscal year preceding that for which the rate is being set; or
 - (B) Has operated a homefinding agency in the fiscal year preceding that for which the rate is being set but did not accept AFDC-FC funded children during that fiscal year; and
 - (C) Has not merely added a new program; increased the level of services provided; changed incorporation; reorganized; or changed name, location, ownership or license.

- (o) Placement Agency shall be as defined in accordance with Section 45-101.1.

Handbook The term placement agency is defined in Section 45-101.1 as follows: Placement Agency means the agency with responsibility for placement and care of an AFDC-FC eligible child.

- (vp) Planned activities - are the activities described in Title 22, California Administrative Code, Division 6, Chapter 5, Section 84079.

Title 22, Division 6, Chapter 5, Section 84079 states in part:

- (a) The licensee shall develop, maintain, and implement a written plan to ensure that indoor and outdoor activities which include but are not limited to the following are provided for all children:
- (1) Activities that require group interaction.
 - (2) Physical activities, including but not limited to games, sports and exercise.
 - (3) Leisure time.
 - (4) Educational activities, including attendance at an educational program in

accordance with state law, and supervision of afterschool study as specified in Section 84078(c).

- (5) Activities which meet the training, money management, and personal care and grooming needs identified in the children's needs and services plans, as specified in Sections 84068.2(b)(3) through (5).

(ug) Program - a separate and distinct level of care and supervision provided to an AFDC-FC child.

A group home may provide more than one level of child care.

(ur) Program Peer Group - for purposes of determining a rate ceiling, each group home program shall be classified as one of the following:

- (1) Psychiatric Model, see Section 11-402.161(a),
- (2) Psychological Model, see Section 11-402.161(b),
- (3) Social Model, see Section 11-402.161(c), or
- (4) Family Model, see Section 11-402.161(d).

(xs) Program Peer Group Cost Base- the basis of cost comparisons for the purpose of developing rate ceilings shall be the range of per child base rates for each program peer group, i.e., the rates established for the prior fiscal year adjusted by the California Necessities Index (CNI), excluding programs which meet the conditions specified in Section 11-402.5, Deviations from the Rate Setting Process.

(yt) Provider - a licensee of one or more group homes.

(qu) Reasonableness - Reasonableness shall be determined in accordance with Welfare and Institutions Code Section 11462(b)(2).

(ry) Specialized Care Rate - the total rate paid on behalf of an AFDC-FC child requiring specialized care. Such rate includes both the family home basic rate and the additional specialized care increment.

(sw) Specialized Care Increment - an amount paid to a family home in addition to the family home basic rate on behalf

of an AFDC-FC child requiring specialized care because of health and/or behavior problems.

(tx) Specialized Care System - any mechanism utilized by a county to pay family homes, as defined in Section 11-400.2, a rate greater than the county's basic foster care rate on behalf of an AFDC-FC child placed in emergency shelter care or with care needs greater than those of a normal foster child, because of health and/or behavior problems.

(uy) Social Work Activities - those activities, not necessarily restricted by the type of credentials held, performed by an employee of a group home which may include the following tasks:

(A) Development of needs and services plan; development of discharge plan; group and/or individual counseling; and reassessment to identify changing needs and to modify plans.

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(B) Interaction (counseling and therapy) between the employee and the child and/or others aimed at preparing the child to analyze and better understand the situation is included in Social Work Activities. Specifically, this includes helping the child understand the reason for placement and to handle associated emotional problems, resolving the difficulties between child and family that led to the need for placement, and planning for the return of the child. These guidelines apply to the functions performed and are not necessarily restricted by the type of credentials held by the employee performing the activity.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

8508279

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0984-41 and
ORD #1084-49

REC-113
Aug 27 11 30 AM '85

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

SEP 25 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services
(AGENCY)

BY: Rosalie B. Clark
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

SEP 25 1985
At 4:29 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

69-206.1

Title: _____

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☒ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☒ Effective on upon filing with the Secretary of State
(Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☒ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 69-206.1 to read:

69-206 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE

69-206

.1 Eligibility Factors

.12 RCA

Requirements of categorical relatedness applicable to the AFDC Program are waived for aid payments assistance under RCA (see Section 69-203.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.212); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4) attendance in an institution of higher education (69-206.5); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

8506113
ORD# 1084-49

REC'D
JUN 11 12 45 PM '85
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
JUN 18 1985
Office of Administrative Law
LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ENDORSED FILED
IN THE OFFICE OF
JUN 18 4 07 PM 1985
MARCH FONG EU
SECRETARY OF STATE
OF CALIFORNIA

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE

445-1878

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 69-201, 203, 204, 205, 206, 207, 208, 209, 210, 213, 215, 219, 221.

SECTIONS ADOPTED

40-125, 40-185, 42-625, 69-203, 69-204, 69-206.

SECTIONS REPEALED

40-125

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☒ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPFC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

Not Applicable

b. DATE OF ADOPTION OF REGULATION(S)

June 10, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Not Applicable

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☐ No ☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☒ Effective on July 1, 1985 (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☒ Request Attached
- d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of State.)

(9) Amend Section 69-206 "Title"; amend and renumber Section 69-206.1 text to .12, .21 text to .212, and .211 through .215 to .212(a) through (e); amend Sections .22, .3, .4; and adopt new .11, .111, and .211(a) through (f) to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT (RDP) OR REFUGEE CASH ASSISTANCE (RCA) 69-206

.1 Eligibility Factors

.11 RDP

All eligibility requirements for the federal AFDC program, Family Group (FG) or Unemployed Parent (U), apply to RDP. Additional factors which must be considered in determining eligibility are: time eligibility (69-206.211); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

.111 Refugees residing in areas in which SDSS-funded employment-directed educational/training programs are not available shall not be required to participate in RDP.

.12 RCA

Requirements of categorical relatedness applicable to the AFDC program are waived for aid payments assistance under RCA (see Section 69-203.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.212); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0984-41

ATTACHMENT B

RECEIVED

MAY 30 10 15 AM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JUL 2 1985

Office of Administrative Law
LEAVE BLANK1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

ENDORSED FILED
IN THE OFFICE OF

JUL 2 4 34 PM 1985

MARCH FONG EU
SECRETARY OF STATE
OF CALIFORNIA
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: _____

SECTIONS AMENDED
69-206.1 and 213.7

SECTIONS ADOPTED
69-206.5

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 39)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

March 1, 1985

b. DATE OF ADOPTION OF REGULATION(S)

May 29, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

None.

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTION ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☒ Effective on July 1, 1985 (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☒ Request Attached
- d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of State.)

Amend Section 69-206.1 and adopt new Section 69-206.5 to read:

69-206 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE

69-206

.1 Eligibility Factors

Requirements of categorical relatedness applicable to the AFDC Program are waived for aid payments assistance under RCA (see Section 69-203.4) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.21); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4) attendance in an institution of higher education (69-206.5); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

.2 (Continued)

.3 (Continued)

.4 (Continued)

.5 Full-time Student in an Institution of higher Education

.51 Full-time students in a college program in an institution of higher education are not eligible for RCA.

.511 A full-time student is a student attending an institution of higher education at least:

a. 12 semester hours or 12 quarter hours per academic term in those institutions using standard semester, trimester or quarter hour systems;

b. 24 semester hours or 36 quarter hours per academic year for institutions using credit hours to measure progress but not using semester, trimester or quarter systems, or the prorated equivalent for programs of less than one academic year;

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

8508083

AUG 28 3 33 PM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

SEP 27 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Janet S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

SEP 27 1985

At 3:51 o'clock P. M.

MARCH FONG EU, Secretary of State

By

Virginia L. Brady
Deputy Secretary of State

AGENCY CONTACT PERSON AND POSITION

Janet Lombard

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22-053

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing December 12, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

August 10, 1984

b. DATE OF ADOPTION OF REGULATION(S)

August 27, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

May 17-31, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 22-053 to read:

22-053 POSTPONEMENTS AND CONTINUANCES FOR
ADDITIONAL EVIDENCE

22-053

•1 Postponements shall be granted under limited conditions.

•11 A hearing ~~will~~ shall be postponed upon the initial request of the claimant prior to the hearing for up to 30 days.

•111 Any applicable aid pending the hearing shall cease (see Section 22-022.525) unless the claimant establishes good cause as specified in Section 22-053.12. This provision does not apply to the Food Stamp Program. This provision will also not apply if the postponement is requested by the county.

Any aid pending, if appropriate and requested by the claimant, shall continue at least until the next scheduled hearing. See Section 63-804.64 for the Food Stamp Program.

•112 In the Food Stamp Program, any applicable aid pending shall not cease due to a postponement (see Section 63-804.62).

Claimants shall be permitted to request additional postponements, however such requests shall be required to meet the good cause criteria set forth in Section 22-053.16.

(a) Where good cause exists, the claimant's request for additional postponement shall be granted and aid pending, if appropriate and requested by the claimant, shall continue.

(b) Where good cause has not been established, the claimant's request for an additional postponement shall be denied.

(c) The Department shall have the authority to request verification from the claimant to support the reason why he/she cannot attend the hearing on the scheduled date.

.12 Upon the request of the county, a hearing shall be permitted to be postponed:

.121 Prior to the hearing if the claimant agrees;

.122 By the hearing officer at the hearing;

.123 Any postponement granted under Section 22-053.12 shall be deemed postponed with good cause.

.13 The Chief Referee shall have the authority to postpone a hearing prior to the hearing.

.131 Any postponement granted under Section 22-053.13 shall be deemed postponed with good cause.

.124 The hearing officer shall have the authority to postpone a hearing, shall be postponed by a hearing officer at the hearing, and continue any applicable aid pending continued if:

.1241 The claimant establishes good cause as specified in Section 22-053.146.

.1242 The county has failed to furnish adequate notice within the meaning of Sections 22-001.(1) and 22-049.41, and the claimant requests the postponement.

.123 The county requests a postponement and the claimant agrees.

.135 At the hearing, the hearing officer shall have the authority to postpone a hearing, may be postponed for any other reason at the his/her discretion of the hearing officer.

.1351 The hearing officer shall order that aid pending be continued only if the postponement is necessary to insure a full and fair hearing and the postponement did not result from any act or omission on the part of the claimant.

.146 Good cause shall be established if the claimant or authorized representative establishes that the case should be postponed due to:

.1461 Death in the family.

.1462 Personal illness or injury.

.1463 Sudden and unexpected emergencies. Sudden and unexpected emergencies shall include but are not limited to: unchangeable medical appointments, court appearances of the claimant, the temporary inability of the claimant to be released from work, or the conflicting schedule of the authorized representative if the conflict is beyond the control of the authorized representative. Vacation or attendance at a social event shall not be regarded as sudden or unexpected emergencies.

(a) Traffic accidents on the day of the hearing.

(b) Inability to arrange transportation on the day of the hearing.

(c) Illness or injury of a household or family member who requires immediate care.

.164 A conflicting court appearance which cannot be postponed.

.14645 The county, when required, does not make a position statement available to the claimant not less than two working days prior to the date of the scheduled hearing, or the county has modified the position statement (as defined in Section 22-023.252) after providing the statement to the claimant, and the claimant has waived decision deadlines contained in Section 22-060.

.2 Continuances for Additional Evidence shall be granted under limited conditions.

.21 If the hearing officer conducting the hearing determines that evidence not available at the hearing is necessary for the proper determination of the case, the hearing officer may shall have the authority, to:

.211 Continue the hearing to a later date. In connection therewith, the hearing officer may shall have the authority to direct either party to produce additional evidence.

(a) When a continuance is ordered during a hearing, oral notice of the time and place of the continued hearing shall be given to each party present at the hearing.

.2212 Close the hearing and hold the record open for a stated period not to exceed thirty 30 days in order to permit the submission of additional documentary evidence.

(a) Such material shall be submitted within a period not to exceed twenty 20 days after the close of the hearing and shall be made available both to the county and to the claimant.

(b) The county and claimant shall each have the right to rebut such submitted material during a stated period not to exceed ten 10 days after the submission of the additional evidence.

(c) The hearing officer conducting the hearing may shall have the authority to order a further hearing if the nature of the additional information or the rebuttal makes a further hearing necessary.

.3 Except as provided below, a hearing shall not be postponed, or continued unless the claimant voluntarily and knowingly executes a written waiver of the 60-day or 90-day period provided in Section 22-060. No waiver is required if the Chief Referee or the hearing officer determines that a decision of the Director can be issued within the 60-day or 90-day period regardless of the postponement or continuance as provided in Section 22-060.

When a hearing is postponed, continued, or reopened at the claimant's request, the 60-day or 90-day period provided in Section 22-060 shall be extended. Any such requests for postponement, continuance, or reopening of a hearing may not exceed 30 days each. Every time a claimant requests a postponement, continuance, or reopening, he/she must be given a written notice that explains that the time for rendering a decision will be extended for a period not to exceed 30 days.

.31 In the Food Stamp Program the claimant may postpone or request a continuance of the hearing for up to 30 days.

Claimants may request additional postponements or continuance of the hearing. However, additional claimant requests for postponement or continuance of a hearing must meet the good cause criteria set forth in Section 22-053.14.

These additional requests for postponement or continuance of a hearing may not exceed 30 days each.

Every time a claimant requests a postponement or continuance he/she must shall be given a written notice that explains that the time limit for rendering a decision ~~will~~ shall be extended by the same number of days as the hearing is postponed or continued.

.32 Sections .3 and .31 above shall not apply if the Chief Referee or the Hearing Officer determines that a decision of the Director can be issued within the 60-day or 90-day period regardless of the postponement, continuance, or reopening as provided in Section 22-060.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: Welfare and Institutions Code Section 10957; 7 CFR 273.15(c)(4); 45 CFR 205.10(a)(16); ~~King vs. Woods, 146 Cal. App. 3rd 571.~~

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0984-40

8509031

RECEIVED
SEP 3 5 05 PM '85
OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

SEP 30 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

SEP 30 1985

At 4:19 o'clock P. M.

MARCH FONG EU, Secretary of State

By Margaret Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Diane Moritz Glazer, Regulations AnalystTELEPHONE
445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Division 65 including Sections 65-100 thru 65-113

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular☐ Emergency
(Attach Finding of Emergency)☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change☐ Editorial Correction☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No☐ Yes6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.☐ State Fire Marshal
(Attach Approval)☐ Building Standards Comm.
(Attach Approval)☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)☐ Department of Finance
(Attach STD. Form 399)7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 12, 1985

b. DATE OF ADOPTION OF REGULATION(S)

September 3, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

August 16 thru 30, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No☐ Yes9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)a. ☒ Effective 30th day after filing with the Secretary of State.b. ☐ Effective on _____ as required by statutes: (list) _____c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)☐ Request Attachedd. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

(1) Adopt MPP Division 65 - Deaf Access Program to read:

Chapter 65-100 - Deaf Access Program (DAP)

65-101 INTRODUCTION

65-101

.1 Background

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D
Chapter 1193, Statutes of 1980, mandated the State Department of Social Services (SDSS) through the Office of Deaf Access, to administer the Deaf Access Program and provide at least seven basic public social services for the deaf and hard-of-hearing (Welfare and Institutions Code Section 10621). These public social services for the deaf and hard-of-hearing would be made available in at least three regions, throughout the state, by public agencies or private nonprofit corporations, or a combination thereof, on a direct basis or through agreement (i.e., contracts) with other public agencies or private nonprofit corporations. This law further required the Department to: define deaf and hearing impaired for the purpose of this chapter; to establish funding criteria; and to determine the number and location of the regions in the state providing public social services for the deaf and hearing impaired.

.2 Purpose

B
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The purpose of the Deaf Access Program is to provide funds for social services to deaf and other hearing impaired persons. In addition, the program supports (1) activities advocating the interest of the deaf and other hearing impaired and (2) activities designed to educate the general public to the needs of deaf and other hearing impaired individuals. The Office of Deaf Access (ODA), within the State Department of Social Services (SDSS), contracts with nonprofit corporations which provide social services to deaf and other hearing impaired individuals at the local level.

.3 Goals

The goals of the Deaf Access Program are to provide at least the following social services according to state law:

.31 Communication assistance.

.32 Advocacy.

.33 Job development and placement.

H
A
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O
O
K

.34 Information and referral.

.35 Counseling.

.36 Independent living skills instruction.

.37 Community education.

Authority: Welfare and Institutions Code Sections 10553 and 10625.

Reference: welfare and Institutions Code Section 10621, 10622, 10623, 10624, 10625, 10626, and 10626.5.

- (a) "Deaf" means the inability to understand speech due to a loss of hearing, irrespective of the use of a hearing aid.
- (b) "Significant Hearing Impairment" means any hearing impairment which causes a difficulty in understanding speech, irrespective of the use of a hearing aid. Also included in this definition is "hard-of-hearing."
- (c) "Hearing Impairment" is a generic term which means all deviations from normal hearing.
- (d) "Chief" means Chief of the Office of Deaf Access (ODA).
- (e) "Office" means the Office of Deaf Access (ODA) in the State Department of Social Services (SDSS).
- (f) "Department" means State Department of Social Services (SDSS).
- (g) "Contractor" means a public or private nonprofit agency or corporation who has a contract with SDSS to provide social services to deaf and other hearing impaired persons.
- (h) "Region" means the designated service area of the state in which a contractor provides social services for the deaf and other hearing impaired persons who reside within the boundaries of such a designated area of the state.
- (i) "Contract" means a contractual agreement between the SDSS and a contractor for provision of social service to hearing impaired persons.
- (j) "TTY/TDD" means a telecommunication device for the deaf enabling the hearing impaired person(s) to communicate via telephone lines.
- (k) "Interpreter or Certified Interpreter" means an interpreter certified by the National Registry of Interpreters for the Deaf (RID) or the equivalent. To be equivalent, a certificate shall be awarded through a process that includes an evaluation team composed of a majority of deaf persons.

Authority: Welfare and Institutions Code Sections 10553 and 10625.

Reference: Welfare and Institutions Code Sections 10621,
10622, 10623, 10624, 10625, 10626, and 10626.5.

- .1 An agency that wishes to become a contractor for the DAP shall comply with the conditions and restrictions as set forth in the RFP.
- .2 An agency shall submit a bid which addresses all of the criteria required by this chapter.
- .3 The proposal shall specify which region is proposed to be and will be served as a contractor.
- .4 An agency shall provide at least some level of the services described in MPP Section 65-101.3 throughout the region unless specified otherwise in the RFP.

Authority: Welfare and Institutions Code Sections 10553 and 10625.

Reference: Welfare and Institutions Code Sections 10621, 10622, 10623, 10624, 10625, 10626, and 10626.5.

.1- For the purpose of the DAP, the State of California is divided into eight regions. Unless stated otherwise in the RFP and contract, a contractor shall provide services throughout the region.

.2 The regions are designated by county boundaries as identified in MPP Sections 65-107.21 through 65-107.28, as follows:

.21 Region I Includes the counties of San Diego and Imperial.

.22 Region II Includes the counties of Riverside, San Bernardino, Inyo, and Mono.

.23 Region III Includes the county of Orange.

.24 Region IV Includes the counties of Los Angeles and Kern.

.25 Region V Includes the counties of Ventura, Santa Barbara, and San Luis Obispo.

.26 Region VI Includes the counties of Monterey, San Benito, Merced, Mariposa, Madera, Fresno, Kings, and Tulare.

.27 Region VII Includes the counties of Stanislaus, San Joaquin, Sacramento, Yolo, Colusa, Glenn, Tehama, Trinity, Siskiyou, Modoc, Lassen, Shasta, Plumas, Butte, Yuba, Sierra, Nevada, Placer, El Dorado, Amador, Sutter, Alpine, Calaveras, and Tuolumne.

.28 Region VIII Includes the counties of Santa Cruz, San Mateo, San Francisco, Santa Clara, Alameda, Contra Costa, Solano, Napa, Marin, Sonoma, Lake, Mendocino, Humboldt, and Del Norte.

Authority: Welfare and Institutions Code Sections 10553 and 10625.

Reference: Welfare and Institutions Code Sections 10621, 10622, 10623, 10624, 10625, 10626, and 10626.5.

.1 Proposals responding to RFPs shall be evaluated and selected by SDSS on their ability to provide the services and meet the other requirements in MPP Sections 65-110.2 through 65-110.7 as follows:

.2 A comprehensive service delivery plan to include, but not limited to, these services directly or by referral to a local agency:

.21 Communication Accessibility Assistance

.211 Telephone Relay: a service whereby a hearing impaired person may telephone using a TTY/TDD, requesting assistance from a hearing person who will relay the telephone communication to a party who does not have a TTY/TDD. This service shall also include the means by which a hearing person without a TDD calls through the service to reach a deaf person using a TDD. [At such time as the California Third Party Relay System is fully operational, SDSS funding for this category will be reallocated to other service categories.] Handbook.

.212 Telephone Assistance: telephone services to those hearing impaired persons who have neither a TTY/TDD unit nor ready access to a telephone. A staff interpreter makes the telephone call for the client.

.213 Document Transcription: assistance to hearing impaired persons in comprehending letters or forms received from government agencies, employers, unions, business organizations, landlords, credit bureaus, or other agencies; and assistance in completing forms, including the wording of replies, and may, where more appropriate, make telephone calls on the client's behalf.

.214 Interpreter Assistance: Interpreter services shall be provided for the hearing impaired on an "on call" basis, and shall be provided at no cost to the hearing impaired person.

.22 Advocacy: services whereby the contractor advocates on behalf of the hearing impaired individual or group in areas such as education, communication, denial of

access, social service, tenant/landlord disputes, and other areas of inequity. Also may include the sponsorship of forums and workshops on hearing impairments involving civil rights issues, legal rights, reasonable accommodation, consumer protection, etc.

.23 Counseling: services by staff in the two areas outlined below:

.231 Counseling Assistance: general provision of counseling in the areas of family, marriage, children and personal matters. Referrals are made to public mental health agencies, psychologists, or psychiatrists for specialized assistance in the areas of alcohol and drug abuse or mental illness.

.232 Peer Counseling: availability of deaf or hard-of-hearing staff persons knowledgeable in the area of deafness who can counsel clients as needed. Assistance is provided in the areas of adjustment to deafness or hearing loss and other appropriate areas.

.24 Information and Referral: the dissemination of information on: hearing impairments, accessible service agencies, local resources for the hearing impaired; community events which are accessible to the hearing impaired through TTY/TDD, mail and through interpreter services; deaf community events available to the general public; and other available programs and services.

.25 Employment Assistance: The provision of vocational counseling, guidance, job development and placement services to hearing-impaired persons.

.251 Job Placement and Development includes contacting prospective employers, business organizations, and employment agencies to promote the hiring of hearing-impaired persons. This service includes the placement of hearing impaired persons in jobs.

.252 Vocational counseling includes guidance, testing, job seeking skills training, resume writing assistance, etc., to prepare the hearing impaired person for gainful employment. Also includes assistance in resolving employer-employee disputes and in retaining present employment.

.253 Employment Assistance services are intended to complement the services already provided by the

Department of Rehabilitation (DR) and the Employment Development Department (EDD) by helping for example: (1) those hearing-impaired clients which DR or EDD does not serve or; (2) hearing-impaired persons who could not be helped or; (3) those persons with a hearing loss in retaining present employment, or; (4) those hearing-impaired persons who are underemployed in furthering career advancement.

.26 Community Education: Fostering a better understanding of and sensitivity to the problems and needs of the hearing impaired person through presentations, in-service training, workshops, mailings, and media announcements. Primary focus of this service is directed towards government agencies, employers, medical professionals, law enforcement officials, other traditional service providers, and the general public.

.27 Independent Living Skills Instruction: training of a hearing impaired person(s) in any or all of the basic social, economic, or health skills (e.g., banking, budgeting, homemaking, renting, communication, expressing emotions appropriately, etc.) that are needed to enable such person(s) to continue to live in their own residence or move out of otherwise unnecessary institutionalization and protective arrangements.

.3 Demonstrated Need for Services

.31 Number of persons to be serviced are realistic and compatible with the needs of the region or the funds available.

.311 Number of persons to be served is reasonable in proportion to the total number of clients in the region.

.312 Number of persons to be served is justified by budget requested or designated in the RFP.

.32 Program goals, objectives, and outcomes are clear, concise, measurable, and specific.

.33 Proposal states internal monitoring and evaluation procedures system to document services provided, and the process by which effectiveness will be measured.

.4 Ability to provide services directly or indirectly in a deaf or hard-of-hearing person's preferred mode of communication.

- .41 Special consideration shall be given to the extent to which service staff who provide direct services to deaf or hard-of-hearing persons has the skills necessary to provide services in a deaf or hard-of-hearing person's preferred mode of communication, e.g., American Sign Language Skills (ASL), total communication, lipreading, etc. Staff who lack such skills due to physical disability are excepted.
- .5 Extent to which deaf and hard-of-hearing persons are included in the agency's staff, and, in the case of a private nonprofit corporation, on the Board of Directors.
- .51 Special consideration shall be given for the extent to which:
- .511 Board of Directors is deaf or hard-of-hearing.
 - .512 Deaf services advisory board members are deaf or hard-of-hearing.
 - .513 Services staff is deaf or hard-of-hearing.
- .52 Additional special consideration shall be given where: the executive or deaf services project director is deaf or hard-of-hearing and/or where the majority of the board of directors, the advisory board, or the staff is deaf or hard-of-hearing.
- .6 Ability to secure community support, as indicated by the number of letters from each of the following categories:
- .61 Local officials, organizations, and individuals; and
 - .62 Organizations by, and for the deaf and/or hearing impaired; and
 - .63 Other agencies serving the deaf and hearing impaired.
- .7 Ability to secure funding from one or more public or private sources, as indicated by:
- .71 Ability to generate other sources of funds or in-kind resources (besides SDSS Program Funds) including, but not limited to, individual or corporate contributions, unrelated business income, United Way funding, state or federal grants or contracts, foundation funding, volunteer services, and donation of property.

.72 Both the number of public and/or private sources available and the total dollar amounts.

Authority: Welfare and Institutions Code Sections 10553 and 10625.

Reference: Welfare and Institutions Code Sections 10621, 10622, 10623, 10624, 10625, 10626, and 10626.5.

Contract agencies shall charge a fee for interpreter services to all public and private agencies receiving state or federal funds and may charge a fee for services to all other agencies or organizations. Fees shall not exceed actual costs, or a reasonable estimate of actual costs, including direct and indirect costs, and fees collected shall be called program income.

All contract agencies shall publish a standard schedule of interpreter fees and shall notify SDSS of the current schedule of fees and any subsequent revisions to this fee schedule as they occur.

All program income shall be reported to SDSS no later than 90 days after the close of each fiscal year. Each contract agency shall also specify in this report where program income was expended by service category on a supplemental composite budget report, and report any program income not expended.

Program income not expended will be carried over into the new fiscal year, until such time as there is a cancellation or nonrenewal of the contract. At that time, any unexpended program income will be remitted to SDSS.

Authority: Welfare and Institutions Code Sections 10553 and 10625.

Reference: Welfare and Institutions Code Sections 10621, 10622, 10623, 10624, 10625, 10626, and 10626.5.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0585-26

RECEIVED FOR FILING

OCT 24 3 58 PM '85

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
NOV 1 1985
Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

Jude S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

NOV 1 - 1985

At 4:44 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Virginia L. Brady*
Deputy Secretary of State

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and /or repealed:

SECTIONS AMENDED

Title: 63-201.31, .311, .312, .33 and 63-502.161 and .162

SECTIONS ADOPTED

63-055; 63-201.312, .313, .313(a), .314, .315, and .34;
63-502.15 and .151; and 63-505.5, .51, .511, .511(a), and .512

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing June 21, 1985

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

September 27, 1985

b. DATE OF ADOPTION OF REGULATION(S)

October 23, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on December 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt Section 63-055 to read:

63-055 IMPLEMENTATION OF THE FOOD STAMP DISCLOSURE
OF INFORMATION AND NONCOMPLIANCE WITH OTHER
PROGRAMS' PROVISIONS

63-055

All these provisions as amended or adopted herein, shall become effective December 1, 1985.

- .1 Section 63-201.3 et seq. relative to the disclosure of information from food stamp case files shall become operable on the effective date.
- .2 CWDs shall have the option of applying Sections 63-502.15 and .16; and Sections 63-503.5, .51, .511, .511(a), and .512 as amended or adopted herein, on a case-by-case basis when the eligibility worker becomes aware of a determination that a noncompliance violation has occurred; or a casefile search may be performed.
 - (a) If the CWD finds a case with a noncompliance violation and recoupment of the resulting overpayment has begun, food stamp benefits shall be reduced for the remainder of the penalty period.

Authority: Welfare and Institutions Code Sections 10554 and 18904.

Reference: Welfare and Institutions Code Section 18904 and 7 CFR Volume 49, No. 242, Friday, December 14, 1984, p. 48680.

Amend and renumber Section 63-201.3 to .31, .311 and .33; renumber former Section 63-201.31 to .32; and adopt Sections 63-201.312 through .315 and .34 to read:

63-201 GENERAL TERMS AND CONDITIONS (Continued)

63-201

.3 Disclosure

.31 Use or disclosure of information obtained from food stamp applicant households, exclusively for the Food Stamp pProgram shall be restricted to the following persons:

.311 Persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, the Food Distribution Programs, or with other Federal or federally-assisted state programs which provide assistance on a means-tested basis to low income individuals; and aided means-tested assistance programs, such as Title IV-A (AFDC), *ix (Medicaid), or XVI (SSI), or with general assistance programs that are subject to the joint processing requirements specified in Section 63-301.7;

.312 Employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law;

.313 Local, state or federal enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations.

(a) The written request shall include the identity of the individual requesting the information and his authority to do so, the violation being investigated, and the identity of the person on whom the information is being requested.

.314 Persons directly connected with the administration of the Child Support Program under Title IV-D of the Social Security Act in order to assist in the administration of that program.

.315 Employees of the Secretary of Health and Human Services as necessary to assist in establishing or verifying eligibility or benefits under Title II and Title XVI of the Social Security Act.

.312 If there is a written request by a responsible member of the household, its currently authorized representative, or a person acting in its behalf to review materials contained in its case file, the material and information contained in the case file shall be made available for inspection during normal business hours. However, the county may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

.33 However ~~†~~This section shall not prohibit the furnishing of such information to county supervisors of schools or supervisors of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind services directly to the individual on the basis of need.

.34 Any of the persons specified in Sections 63-201.311 - .315 who receive food stamp case file information, shall adequately protect this information against disclosure to unauthorized persons or for purposes not specified in this section.

Authority: Welfare and Institutions Code Sections 10554 and 18904.

Reference: 7 CFR 272.1(c)(1) and Section 2651(a)(4) of the Deficit Reduction Act dated October 9, 1984 (PL 98-369).

Amend and renumber Sections 63-502.15 and .151 and .152 to 63-502.16 and .161 and .162; adopt new Sections 63-502.15 and .151 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.15 Income shall also include monies withheld from CWD paid grants or other federal, state or local means-tested programs to repay an overpayment which resulted from the household's intentional failure to comply with that program's requirements. See Section 63-503.5.

.151 For purposes of this section, "means-tested" means that the household's financial circumstances are considered in determining eligibility and/or benefit level, and these means-tested programs make publicly-funded payments to the household.

.156 Income shall not include the following:

.1561 Monies withheld from an assistance payment, earned income, or other income source, or monies received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided that the overpayment was not excludable under Section 63-502.2*, or specified in Section 63-502.15.

.1562

Authority: Welfare and Institutions Code Sections 10554 and 18904.

Reference: 7 CFR 273.9(b)(5)(1).

Adopt Section 63-503.5 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT 63-503
 LEVELS

.5 Households with a Decrease in Income Due to Intentional Failure to Comply

.51 The CWD shall not increase food stamp benefits as the result of a penalty that has been imposed for an intentional failure to comply with a federal, state or local welfare program which is means-tested, as defined in Section 63-502.151. Food stamp benefits shall be determined in accordance with Sections 63-503.511 and .512.

.511 The CWD shall identify that portion of the decrease which is the penalty.

(a) The penalty shall be that portion of the decrease in the grant attributed to the repayment of benefits overpaid as a result of the household's intentional failure to comply as determined by the other program.

.512 The CWD shall calculate food stamp benefits using the benefit amount that would have been issued if no penalty had been imposed.

Authority: Welfare and Institutions Code Sections 10554 and 18904.

Reference: Welfare and Institutions Code Section 7 CFR 273.11(j).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

8510153

ORD #0485-25

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED
OCT 15 3 12 PM '85

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

NOV 18 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

NOV 18 1985

At 4:35 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Harry Baertschi, Regulations Analyst

TELEPHONE 445-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Section 26-020

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 28, 1985

b. DATE OF ADOPTION OF REGULATION(S)

October 7, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend MPP Section 26-020 to read:

26-020 REPORTING REQUIREMENTS

26-020

Required reports are of the following types:

Administration and Operations Reports

Adoption Program Reports

Caseload/Caseload Movement and Expenditures Reports

Case-specific Foster Care Information System Reports

Child Support Activities Report

Education Consolidation and Improvement Act of 1981 Reports

Licensing Reports

Processing Applications Report

Reasons for Denials and Other Nonapprovals of Applications Report

Reasons for Discontinuance Reports

Recipient and Staff Ethnic Origin and Language Skills Reports

Recipient Characteristics Surveys

Recipient Fraud Reports

Recipients of Social Services and Costs Reports

Reports of Staff Development, Training and Educational Leave of Absence

Reports required by court order

WIN/SAU Reports

Reports on State Programs for the Aged, blind and Disabled

Emergency Loans and Interim Assistance Reports

Quality Control Review Reports

Recipient Socioeconomic Characteristics Reports

Employee Staffing Reports

Elementary and Secondary Education Act Reports

Authority: Welfare and Institutions Code Sections 10553, 10554 and 10853.

Reference: Welfare and Institutions Code Sections 397, 10554, 10809, 10852 and 10853; Stats. 1981, C.102, p.736, Section 97, effective June 28, 1981; which repealed welfare and Institutions Code Sections 12525 to 12527, 42 USC Section 627; and Education Consolidation and Improvement Act of 1981 (Public Law 97-35), which is codified at 20 USC Section 3801 et seq.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW**

ORD #0485-22

8510182

REC'D FILING

OCT 18 11 14 AM '85

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

NOV 18 1985

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McNeel
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

NOV 18 1985
At 4:35 o'clock P.M.
MARCH FONG EU, Secretary of State
By: Margaret Herzhberger
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 44-113.81

SECTIONS ADOPTED

42-211.257, 44-113.82

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

May 31, 1985

b. DATE OF ADOPTION OF REGULATION(S)

September 13, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

August 2--August 16, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on December 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

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- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Adopt Section 42-211.257 to read:

**42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY 42-211
WHICH MAY BE RETAINED (Continued)**

.2 Personal Property to be Included

.21 Liquid Resources

This includes cash on hand or in savings and checking accounts, and other financial instruments including but not limited to securities, stocks, bonds, mutual fund shares, cash surrender value of insurance policies, promissory notes, mortgages, and deeds of trust.

.22 Motor Vehicles

The net market value of all motor vehicles not exempted from evaluation as personal property under Section 42-213.2z.

.25 All Other Personal Property Including:

.251 Mobile homes, campers, trailers and houseboats unless such item is used as a family's only home.

.252 Boats, musical instruments, power tools, and recreation equipment.

.253 The net market value of funeral agreements not exempted from evaluation as personal property under Section 42-213.2d.

.254 Lessee's interest in a lease of real property for a period of years unless the property is used as a home.

.255 Farm equipment, livestock, and fowl other than that retained for family consumption only.

.256 Interests in firms receivership, in undistributed estates, or in trust funds in which the applicant or recipient is a beneficiary provided such property is available.

In cases in which a trust or savings fund is established for a child pursuant to a court order providing that such money be used only for and on

behalf of such minor child and be withdrawn from the account only pursuant to an order of the court, the individual in control of the fund will be expected to petition the court for an appropriate order determining the availability of the fund for the support of the child. If the individual in control refuses to initiate such a petition and the fund coupled with other nonexempt personal property holdings, if any, exceeds the statutory limits, ineligibility will result, but only for the child or children for whom the fund is held in trust. During such time as the court is being petitioned, or if the court refuses to issue a final order making the fund available for support of the child, the fund shall not be considered as personal property for purposes of eligibility determination or grant computation.

- .257 The lump-sum refund of the employee's share of retirement contributions. [See Section 44-113.8 for treatment of the employer's share of the contributions and the interest earned on the accumulated retirement contributions.]

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553; and 45 CFR 233.20(a)(3).

BOOK

(2) Amend and renumber Section 44-113.81 and adopt new Section .82 to read:

44-113 NET INCOME

44-113

- .1 Property (Continued)
- .2 Earnings (Continued)
- .3 Net Income from Social Security, Railroad Retirement Benefits and Other Pensions (Continued)
- .4 Board and Room (Continued)
- .5 Unrelated Adults, Including Unrelated Adult Males, Living in the Home (Continued)
- .6 Reconciliation of Advanced Earned Income Credit (EIC) to Year-End EIC. (continued)
- .7 Child/spousal Support which is paid to the recipient by the absent parent and not forwarded to the county or which is collected by the county and paid to the recipient pursuant to Section 43-203.13 and .15 shall be considered available income when received. (Continued)
- .8 Refunds of Income Taxes and Retirement Contributions

.81 Lump-sum rRefunds of income taxes or the employer's share of retirement contributions are to shall be considered net nonexempt income in the month received. Such refunds are not to be considered earned income for the month in which they are received, and the earned income exemption of Section 44-111.23 or .24 shall not be applied to them. [See Section 42-211.257 for treatment of the employee's share of retirement contributions.]

.82 The interest earned on accumulated retirement contributions shall be treated as income in the month received.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553; and 45 CFR 233.20(a)(3).

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FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD#0685-39

8510212

FILED

In the office of the Secretary of State
of the State of California

NOV 18 1985

At 4:35 o'clock P.M.

MARCH FONG EU, Secretary of State

By Maryanne Harshberger
Deputy Secretary of State

RECEIVED

OCT 21 3 50 AM '85

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

NOV 18 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Dan Fleek, Regulations Analyst TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 102395(a)

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing August 13, 1985

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

8/2/85

b. DATE OF ADOPTION OF REGULATION(S)

8/18/85

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 102395(a) to read:

102395 INSPECTION AUTHORITY

102395

(a) In accordance with the provisions of Health and Safety Code Sections 1596.852 and 1597.55: (Continued)

Authority: Health and Safety Code Section 1596.81.

Reference: Health and Safety Code Sections 1596.72, 1596.73, 1596.852, 1597.55; and Rush v. Obledo, 756F.2d713.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

ORD # 1084-49
(OAL # 8506113)

ORD # 0685-37
(OAL # 8506271)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

OCT 22 11 07 AM '85

OFFICE OF
ADMINISTRATIVE
LAW

ENDORSED
APPROVED FOR FILING

NOV 2 2 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

NOV 22 1985

At 4:30 o'clock P.M.

MARION FONG EU, Secretary of State

By Virginia L. Brady
Deputy Secretary of State

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE

445-1878

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22
SECTIONS AMENDED 69-201, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208,
69-209, 69-210, 69-213, 69-215, 69-219, 69-221
SECTIONS ADOPTED
40-125, 40-185, 42-625, 69-203, 69-204, 69-206, 69-206.211(c), 69-208, 69-213.8
SECTIONS REPEALED
40-125, 69-208.12, 69-208.23, 69-208.616, 69-219.211, 69-219.212

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular
☐ Emergency (Attach Finding of Emergency)
☒ Certificate of Compliance and Final Modifications
Other Regulatory Actions:
☐ Procedural and Organizational Change
☐ Editorial Correction
☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No
☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No
☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval)
☐ Building Standards Comm. (Attach Approval)
☐ Fair Political Practices Comm. (Include FPPC Approval Stamp)
☒ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 28, 1985 and July 12, 1985

b. DATE OF ADOPTION OF REGULATION(S)

October 21, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

August 30--September 16, 1985

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☐ No
☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
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Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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- d. If an effective date later than (a.) is requested, provide the date.

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

ORD #1084-49
(OAL #8506113)

ORD #0685-37
(OAL #8506271)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

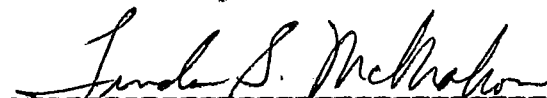
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 18, 1985 and July 1, 1985, and which became effective on July 1, 1985.

Manual of Policy and Procedures, Division 40, Chapter 100; Division 42, Chapter 600; and Division 69, Chapter 200, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
69-201	69-209	40-125
69-203	69-210	40-185
69-204	69-213	42-625
69-205	69-215	69-203
69-206	69-219	69-204
69-207	69-221	69-206
69-208		69-208

These regulations were presented at public hearing on August 14, 1985. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
69-204	69-206.211(c)	69-208.12
69-206	69-213.8	69-208.23
69-208		69-208.616
69-219		69-219.211
69-221		69-219.212



LINDA S. MCMAHON
Director

October 21, 1985
Date

(1) Text of Section 40-125.6 repealed and new .6 text adopted to read:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS,
 AND RESTORATIONS (Continued)

40-125

.6 Referral of Refugee Applicants

Refugee applicants eligible for a federal AFDC grant shall be referred to the Refugee Demonstration Project as their primary source of aid if they meet the criteria in MPP Section 69-206.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2; Chapter 69, Section 23, Statutes of 1981; and 8 USC 1522(e)(7).

(2) New Section 40-185.3 adopted to read:

40-185 INTERPROGRAM TRANSFERS (Continued)

40-185

- 3 Federal AFDC cases which contain refugees who meet the criteria found in MPP Section 69-204.31 shall be transferred interprogram to the Refugee Demonstration Project.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC 1522(e)(7).

(3) New Sections 42-625.4 and .5 adopted to read:

42-625 WIN DEMO REGISTRATION AS A CONDITION OF
AFDC ELIGIBILITY (Continued)

42-625

- 4 Applicants for AFDC who are granted aid under the Refugee Demonstration Project in lieu of AFDC, pursuant to MPP Section 40-125.6, shall have the same registration requirements as other applicants for AFDC. Such individuals shall remain registered upon transfer to the AFDC program.
- 5 Registered AFDC recipients who are transferred to the Refugee Demonstration Project pursuant to MPP Section 40-185.3 shall remain registered while receiving aid under the Refugee Demonstration Project and shall remain registered upon transfer to the AFDC program.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC 1522(e)(7).

(4) Sections 69-201.3 and .4 amended to read:

69-201 GENERAL STATEMENT (Continued,)

69-201

- .3 County Welfare Departments (CWD) shall determine the eligibility of refugees in RRP for AFDC, the Refugee Demonstration Project program (RDP) or Refugee Cash Assistance (RCA). Eligibility for SSI/SSP shall be determined by the Social Security Administration. The CWD shall administer these programs according to federal policy under the supervision of DSS for financial assistance and social services, and the State Department of Health Services (DHS) under interagency agreement with DSS for medical assistance.
- .4 All current AFDC program regulations apply unless specifically superseded by the RDP or RCA regulations contained herein.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(5) Sections 69-203.31 and .32 amended to read:

69-203 DEFINITIONS (Continued)

69-203

.3 Children of Refugees

- .31 In a number of cases, children have been born in the United States to refugee parents, or have been born to a refugee and a United States citizen. These children are considered to be United States citizens by birth. However, under the following circumstances, such children are eligible for assistance (AFDC, SSI/SSP, RDP, RCA, and medical assistance) and social services funded under RRP:
 - .32 United States citizen children born of a refugee and a United States citizen are not eligible for assistance or services funded by RRP if the household unit includes the United States citizen parent. In these situations, the refugee parent if eligible may receive RRP funded assistance (AFDC, SSI/SSP, RDP, RCA and/or medical assistance) and social services; and the United States citizen parent and the children if eligible may be aided under the regular (non-RRP funded) AFDC, SSI/SSP, medical assistance and/or social services programs.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2. and 8 USC Section 1522(e)(7).

(6) Section 69-203.4 "Title" adopted. .4 text renumbered to .41, and new .42 adopted to read:

69-203 DEFINITIONS (Continued)

69-203

.4 Cash Assistance

- .41 For purposes of determining eligibility for RCA, RCA means cash assistance provided to refugees who have been determined to be ineligible for AFDC or SSI/SSP and who have resided in the United States for 18 months or less from date of entry.
- .42 For purposes of determining eligibility for RDP assistance, RDP means cash assistance provided to time-eligible refugee families who would otherwise be eligible for federal AFDC and who meet the requirements of Sections 69-204.3 and 69-206.

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RDP is provided under the authority of Public Law 98-473, Amendment 6965, (8 USC Section 1522(e)(7)) and required under Welfare and Institutions Code Section 13200 for a three-year period. Certain refugee families applying for assistance and determined eligible for federal AFDC benefits must participate in RDP rather than AFDC. RDP provides cash assistance, based upon the AFDC payment standard, and a strong support service element designed to accelerate refugee acculturation and the development of employment skills.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(7) New Section 69-204.3 adopted.

Final Modification

Amend Section 69-204.33 to read:

69-204 SPONSOR AND COUNTY RESPONSIBILITIES (Continued) 69-204

.3 Conversion

.31 CWDs shall transfer all current time-eligible refugee federal AFDC FG/U cases to the RDP program by September 30, 1985 except as follows:

.311 Refugee federal AFDC cases whose Caretaker Relative (FG) or Principal Earner (U) has fewer than 12 months of remaining refugee time-eligibility as of July 1, 1985 shall be exempted from the conversion.

.312 Conversion of current federal AFDC RDP-eligible cases awaiting a fair hearing decision involving an AFDC eligibility issue shall be delayed until the fair hearing decision is reached. If still federal AFDC eligible, the case shall then be converted to the RDP unless the Caretaker Relative (FG) or Principal Earner (U) has fewer than six months of time-eligibility remaining.

.32 At the time of conversion from federal AFDC FG/U to the RDP, CWDs shall refer the nonexempt Caretaker Relative/Principal Earner to the Central Intake Unit (CIU) for registration.

.33 Refugee cases terminated from RDP as specified under 69-213.3, and 69-213.6 and 69-213.8 shall be transferred to federal AFDC FG/U via interprogram transfer if the RDP assistance unit is determined eligible. A new application is not required.

.331 Eligibility determinations shall include review of the number of hours worked and a redetermination of eligibility for the \$30 and 1/3 disregard.

- .332 Connection with the labor force established prior to transfer to RDP shall be retained, provided that a break in aid has not occurred.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(8) Section 69-205.3 amended to read:

69-205 ELIGIBILITY FOR SSI/SSP AND AFDC PROGRAMS (Continued) 69-205

.3 AFDC

Refugees who qualify for assistance under the federal AFDC program shall be aided under the RDP if eligible under Section 69-206. Other federal AFDC eligible refugees are to be aided under AFDC. For purposes of State-only AFDC-U program priority and transition, the CWD shall refer to refugee program instructions and directives issued by DSS. Those who do not qualify for the AFDC program shall have their eligibility determined for RCA per Section 69-206. The refugee has no option as to program preference.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(9) Section 69-206 "Title" amended; and Section 69-206.1 text amended and renumbered to .12, .21 text to .212, and .211 through .215 to .212(a) through (e); Sections .22, .3, .4 amended; and new Sections .11, .111, and .211(a) through (f) adopted.

Final Modification

Amend Section 69-206.11; amend Section 69-206.211 and subparts (a), (b), (d), (e), (f), (g); adopt new subpart (c); and amend Section 69-206.212 to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT (RDP) OR REFUGEE CASH ASSISTANCE (RCA) 69-206

.1 Eligibility Factors

.11 RDP

All eligibility requirements for applicants for the federal AFDC program, Family Group (FG) or Unemployed Parent (U), apply to RDP. Additional factors which must be considered in determining eligibility are: time eligibility (69-206.211); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); attendance in an institution of higher education (69-206.5); and registration, employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VDLAG.

.111 Refugees residing in areas in which SDSS-funded employment-directed educational/training programs are not available shall not be required to participate in RDP.

.12 RCA

Requirements of categorical relatedness applicable to the AFDC program are waived for assistance under RCA (see Section 69-203.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.212); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4); attendance in an institution of higher education (69-206.5); and registration, employment and

employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

.2 Eligibility Determination

AFDC program forms shall be used for eligibility determination, unless alternate forms are approved by DSS for use by the CWD.

.21 Time-Eligibility

.211 RDP-Eligibility for RDP is limited to the first 36 months following the date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month.

(a) A refugee who is within the 36-month period following date of entry in the United States is referred to as an RDP time-eligible refugee for purposes of RDP funding.

(b) A refugee who has lived in the United States for more than 36 months is referred to as an RDP time-expired refugee for purposes of RDP funding.

(c) Inclusion of a case in the RDP shall be based upon the time-eligibility of the Caretaker Relative/Principal Earner.

(ed) Children born in the United States of refugee parents (Section 69-203.3) shall be considered time-expired based on the most recently arrived parent's expiration date or at the end of the 36th month from the child's birth date, whichever occurs sooner; however, the entire assistance unit shall remain in the RDP case until the time-expiration of the Caretaker Relative/Principal Earner.

(de) The month of arrival, as indicated on the INS Form I-94, or the month of birth is counted as the first month in determining time-eligibility.

(ef) All refugee recipients cases aided under RDP shall be have their time-eligibility reviewed to determine if they are still RDP time-eligible, based upon the time-eligibility of the caretaker Relative/Principal Earner. RDP time-expired refugees cases shall be aided under other federal, state and/or county-funded programs, if otherwise eligible.

(fg) All refugee applicants cases shall have at least six months of refugee time-eligibility remaining to be eligible for RDP.

.212 REA-Eligibility for RCA is limited to the first 18 months following the refugee's date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month. Unaccompanied refugee children (Section 69-211) are not subject to the 18-month time-limitation.

(a) A refugee who is within the 18-month period following date of entry in the United States is referred to as a RCA time-eligible refugee for purposes of RCA.

(b) A refugee who has lived in the United States for more than 18 months is referred to as a RCA time-expired refugee.

(c) Children born in the United State of refugee parents (Section 69-203.3) shall be considered time-expired based on the most recently arrived parent's expiration date or at the end of the 18th month from the child's birth date, whichever occurs sooner.

(d) The month of arrival, as indicated on the INS Form I-94, or the month of birth is counted as the first month in determining time-eligibility.

(e) All refugee recipients aided under RCA shall have their time-eligibility reviewed to determine if they are still RCA time-eligible. RCA time-expired refugees

shall be aided under other federal, state and/or county-funded programs, if otherwise eligible.

•22 Redetermination of Eligibility

A periodic redetermination of RDP or RCA eligibility shall be made in accordance with the procedures outlined in AFDC regulations.

•3 Assistance Units, RCA Only

Assistance Units shall be established as follows:

- 31 Parents and their children under 18 years of age shall be in the same assistance unit.
- 32 Brothers and/or sisters 18 years of age or older residing together may each be established in their own assistance unit.
- 33 Single adult refugees shall each be established in their own assistance unit.
- 34 Married couples without children shall be in the same assistance unit.

•4 Income Eligibility Exceptions

Income eligibility determinations shall be made in accordance with AFDC regulations except the \$30 and 1/3 or, as applicable, the \$30 disregard and sponsored alien provisions shall not apply in determining net nonexempt income.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(10) Sections 69-207.1 and .2 amended to read:

69-207 INCOME AND RESOURCES

69-207

.1 Income

Income shall be considered on the same basis as in the AFDC program for determining need and computing the assistance payment, except that the \$30 and 1/3 or, as applicable, the \$30 disregard and sponsored alien provisions as it applies in the AFDC program shall not be applied to RDP or RCA cases.

.2 Resources

Real and personal property limitations shall be those prescribed in AFDC program regulations, except that the sponsored alien provisions in the AFDC program shall not be applied to RDP or RCA cases.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(11) Sections 69-208.1, .2, .3, .5, and .6 amended and renumbered ; and new Subsections .12, .23, and .616 adopted.

Final Modification

Amend Sections 69-208.11, .13, .14, .223, .224, .225, and .626; and repeal Sections 69-208.12, .23, and .616 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208 EDUCATION/TRAINING REQUIREMENTS

.1 General Requirements

- .11 As a condition of eligibility, every RDP or RCA applicant/recipient shall as required by the CWD, either 1) register and participate with a DSS-funded, DSS-approved or other CWD approved and referred employment-directed education/training program, or 2) register and maintain registration with the State Employment Development Department (EDD); unless the applicant/recipient is exempt per Section 69-208.4 or good cause can be established per Section 69-208.63. Each RDP or RCA applicant/recipient must also accept an offer of employment or employment-directed education/training opportunity(ies) from any source which is determined to be appropriate by the CWD, unless he/she is exempt or good cause can be established. Inability to communicate in English does not make the refugee exempt and shall not be considered good cause.
- .12 RDP applicants/recipients shall accept necessary supportive services, such as training-related expenses {TRE}, work-related expenses {WRE} or child care if these services are available, when provision of these services will permit acceptance of an appropriate training or employment opportunity.
- .132 The applicant/recipient must provide written verification to the CWD of his/her registration with the employment-directed education/training program or EDD.
- .143 Unless the order of priority is waived by DSS, CWDs shall, when referring RDP or RCA applicants/recipients to education/training programs, give priority first to DSS-funded or DSS approved programs and second to other CWD-approved programs. If no available education/training program can accept the applicant/recipient, the CWD shall refer the refugee to EDD for registration. Once the applicant/recipient has

completed all available education/training programs, the CWD shall refer the refugee to EDD for registration.

•2 Employment and Employment-Directed Education/Training Requirements

- 21 The CWD shall refer all nonexempt (see Section 69-208.4) RDP or RCA applicants and recipients to the local DSS-funded or CWD approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by DSS.
- 22 If a nonexempt RDP or RCA applicant or recipient fails to do any of the following, he/she has not met the employment and employment-directed education/training requirements:
 - 221 Accept a bona fide offer of employment
 - 222 Accept a bona fide offer of employment-directed education/training, which is CWD sponsored, approved or referred; and participate in the education/training program in accordance with the criteria set by the program.
 - 223 Appear for employment interviews arranged by DSS-funded, DSS approved or CWD-approved employment-directed programs.
 - 224 Report to the DSS-funded, DSS approved or CWD-approved employment-directed program when requested to by that program.
 - 225 Accept referrals to employment interviews arranged by the DSS-funded, DSS approved or CWD-approved employment-directed program.
- 23 Nonexempt RDP applicants/recipients shall accept necessary supportive services offered by the S955-funded employment-directed program.

•3 EDD Registration Requirements

- 31 When it is determined that no available DSS-funded or CWD approved project(s) providing employment-directed services can accept the applicant or recipient, the CWD

shall refer these nonexempt (see Section 69-208.4) RDP or RCA applicants and recipients to EDD for registration. The CWD shall use EDD approved forms for referral, and clearly indicate on the form that the person is a refugee.

- .32 If a nonexempt RDP or RCA applicant or recipient fails to do any of the following, he/she has not met or maintained the EDD registration requirements:

- .321 Appear for EDD-arranged interviews with employers.

- .322 Report to EDD when requested to by EDD.

- .323 Accept referrals to employment interviews arranged by EDD.

- .324 Accept a bona fide offer of employment-directed education/training to which referred to by EDD, and participate in the education/training program in accordance with the criteria set by the program.

- .325 Accept a bona fide offer of employment.

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.5 Other Requirements

As an applicant for RDP or RCA, a refugee shall not, during 30 consecutive calendar days immediately prior to the beginning date of aid have, without good cause, voluntarily quit, been discharged for willful misconduct, or refused to apply for or accept a bona fide offer of employment or employment-directed education/training, or participate in a CWD approved or referred employment-directed education/training program.

.6 Cause Determinations

.61 Conditions Under Which Cause Determinations Must Be Made

Using the criteria found in Section 69-208.62, the CWD shall make a cause determination within 10 working days of learning or being advised that the nonexempt refugee who is an RDP or RCA applicant or recipient has:

- .611 Failed to register or participate with a DSS-funded or CWD approved or referred employment-directed program as required; or
- .612 Failed to register or to maintain registration with EDD as required; or
- .613 Failed to comply with the requirements contained in Section 69-208.22; or
- .614 Failed to comply with the requirements contained in Section 69-208.32; or
- .615 Failed to meet the requirements contained in Section 69-208.5; or
- .616 Refused RDP supportive services necessary to permit acceptance of an appropriate work or training offer.

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.6 Cause Determinations (Continued)

- .62 Factors That Must Be Considered in Cause Determinations (Continued)
 - .626 The individual must be informed of the effect the refusal to accept or continue employment or employment-directed education/training, failure to accept supportive services where available and necessary, or failure to comply with the EDD registration requirements, without good cause, will have on his/her receipt of RDP or RCA.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(3)(7).

(12) Sections 69-208.71, .711, and .73 amended; and new Sections .712, .731, and .732 adopted.

Final Modification

Amend Sections 69-208.731 and .732 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.7 Penalties for Failure or Refusal to Comply With the
Registration, Employment and Employment-Directed
Education/Training Requirements (Continued)

.71 If the nonexempt RDP or RCA applicant or recipient has refused or failed, without good cause, to meet or comply with the requirements of Section 69-208.1 through 69-208.3 and 69-208.5, the CWD shall deny or discontinue benefits for that individual.

.711 Except as provided in Sections 69-208.5 and 69-208.73, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible.

.712 Except as provided in Sections 69-208.5 and 69-208.73, the noncomplying individual shall be ineligible for RDP benefits for three payment months for the first occurrence and six payment months for the second and subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible, except that:

- a. If the noncomplying individual is the unemployed parent, aid shall be discontinued to the entire assistance unit for the duration of the penalty period.
- b. If the noncomplying individual is the caretaker relative, his/her aid shall be discontinued for the duration of the penalty period, and aid shall be continued

to the remainder of the assistance unit in accordance with AFDC regulations.

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)

.7 Penalties for Failure or Refusal to Comply With the
Registration, Employment and Employment-Directed
Education/Training Requirements (Continued)

.73 There is no durational penalty attached to a failure or
refusal to register with the employment,
education/training program(s) or EDD.

.731 The noncomplying individual in an RCA assistance
unit shall be ineligible for RCA benefits until
he/she has registered as required. Other
nonexempt individuals in the assistance unit who
fail or refuse to register shall be ineligible for
RDP RCA benefits.

.732 An RDP assistance unit shall be ineligible for RDP
benefits until the RDP-U parent has registered as
required. Other nonexempt individuals in the
assistance unit who fail or refuse to register
shall be ineligible for RDP benefits.

.733 A nonexempt RDP-FG individual shall be ineligible
for RDP benefits until he/she has registered as
required. Aid continues to the remainder of the
assistance unit unless the RDP-FG individual who
fails or refuses to register is the only eligible
child in the assistance unit, in which case, the
entire assistance unit is ineligible for RDP
benefits.

Authority: Welfare and Institutions Code Sections 10553 and
10554.

Reference: Welfare and Institutions Code Division 9, Part 3,
Chapter 5.2 and 8 USC Section 1522(e)(7).

(13) Sections 69-209, .3, and .6 amended to read:

69-209 AID PAYMENTS

69-209

Aid payments for RDP or RCA cases shall be based on AFDC regulations except that the \$30 and 1/3 or, as applicable, the \$30 disregard shall not be allowed in determining net nonexempt income.

- .1 Refugees will be eligible for recurring special needs allowances in accordance with AFDC regulations. Eligibility for nonrecurring special needs allowances exists but may be paid only for loss which has occurred subsequent to their arrival in California. Assistance for nonrecurring special needs is not to replace items of property which were left in the refugee's country of nationality.
- .2 Where there is an urgent need for assistance, the CWD shall in accordance with AFDC regulations make such provisions as are necessary to cope with the emergency by speeding up the application process and by issuing the initial grant to the refugee on an immediate need basis where apparent eligibility and immediate need exists.
- .3 Aid pending verification of refugee status shall not be authorized for purposes of RDP or RCA. The CWD shall complete a CA 6 Form on any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses to secure the appropriate documentation by contacting INS directly.
- .4 Eligibility for pregnancy special needs shall be determined in accordance with AFDC regulations.
- .5 Payments for unaccompanied refugee children shall be paid at the foster care rate established in the county.
- .6 Notwithstanding other eligibility requirements, refugee children who have been legally adopted by United States citizens are not eligible for assistance under RDP or RCA.

- .7 Payments to adult refugees, who are not eligible for SSI/SSP and who in the county's judgment require nonmedical out-of-home care, shall be at the SSI/SSP nonmedical out-of-home care standards.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(14) Section 69-210 amended to read:

69-210 OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD 69-210
REFERRALS

The methods outlined in AFDC regulations concerning the recoupment of overpayments, the correction of underpayments and the procedures concerning fraud shall be followed in RDP and RCA except that the \$30 and 1/3 or, as applicable, the \$30 disregard shall not be allowed in determining the net nonexempt income. Any overpayments/underpayments incurred by persons transferred from federal AFDC shall be recovered from the RDP grant.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(15) Sections 69-213, .3, .5, and .6 amended to read:

Final Modifications

Amend Section 69-213 and adopt Section 69-213.8 to read:

69-213 TERMINATION OF AID

69-213

Aid payments to refugees under the RDP and RCA programs shall be discontinued in accordance with AFDC regulations and under the following circumstances², except that the number of hours worked shall not be a basis for termination:

- .1 A sponsor is meeting the full needs of the refugee or refugee family, in accordance with AFDC standards of assistance.
- .2 A refugee marries a United State citizen or other nonrefugee, including a time-expired refugee, who is able to meet the refugee's needs. In these circumstances, aid shall be discontinued for the refugee parent. Aid for the minor child(ren) in the assistance unit shall be continued unless the United States citizen or other nonrefugee stepparent is able to meet all needs of the child(ren) in accordance with AFDC standards of assistance.
- .3 A refugee becomes time-expired (per Section 69-206.21), becomes a naturalized United States citizen or otherwise loses refugee status.
- .4 A refugee fails to meet, without good cause, the registration employment and educational/training requirements (see Section 69-208).
- .5 A refugee fails to cooperate in providing sponsor or VOLAG information for purposes of determining eligibility for RDP or RCA.
- .6 When 100 percent federal funding ceases for the RDP or RCA program.
- .7 A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-206.52 and .53.
- .8 When the Caretaker Relative/Principal Earner in an RDP case becomes time-expired, regardless of the time-eligibility of the remaining members in the assistance unit.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(16) Section 69-215 amended to read:

69-215 INTERCOUNTY TRANSFERS

69-215

- 1 The procedures for intercounty transfers as outlined in AFDC program regulations shall be applied in RCA and RDP.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2, and 8 USC Section 1522(e)(7).

(17) Section 69-219.21 amended; and new Section .22 adopted.

Final Modification

Amend Section 69-219.21; and repeal Sections 69-219.211 and .212 to read:

69-219 CLAIMING AND REIMBURSEMENT (Continued)

69-219

.2 Case Numbers - General

- .21 All RCA cases, including those for unaccompanied refugee children, shall be designated with the aid codes as follows: 01.

- .211 Aid Code 01 - all refugees from Cambodia, Laos and Vietnam.

- .212 Aid Code 07 - all other refugees.

- .22 All RDP cases shall be designated with the following aid codes:

- .221 Aid Code 77 - federal AFDC-FG eligible refugee cases aided under RDP (RDP-FG).

- .222 Aid Code 78 - federal AFDC-U eligible refugee cases aided under RDP (RDP-U).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

(18) Section 69-221 amended.

Final Modification

Amend Section 69-221 to read:

69-221 FAIR HEARINGS

69-221

Applicants for and recipients of RDP or RCA shall have the right to appeal adverse any actions in accordance with MPP Chapter 22-000.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Division 9, Part 3, Chapter 5.2 and 8 USC Section 1522(e)(7).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0585-33

8510301
FILED

In the office of the Secretary of State
of the State of California

NOV 26 1985

At 4:27 o'clock P. M.

MARCH FONG EU, Secretary of State

By Maureen Hershberger
Deputy Secretary of State

LEAVE BLANK

RECEIVED

OCT 30 9 33 AM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

NOV 26 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest Regulations Analyst

TELEPHONE

916-323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Sections 30-757.135 and .136; 30-758.1 and .4

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

July 19, 1985

b. DATE OF ADOPTION OF REGULATION(S)

October 29, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on January 1, 1986 (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) Amend MPP Sections 30-757.135 and .136 to read:

30-757 PROGRAM CONTENT

30-757

.1 (Continued)

.13 Related services limited to: (Continued)

.135 Routine mending, laundry, ironing, folding, and storing clothes on hangers, on shelves, or in drawers. Laundry services including the tasks of washing and drying laundry, mending, ironing, folding, and storing clothes on shelves or in drawers.

(a) Laundry facilities are considered available in the home if, at a minimum, there exists a washing machine and a capability to dry clothes on the premises.

(b) The need for out-of-home laundry services exists when laundry facilities are not available on the premises and it is therefore necessary to go outside the premises to accomplish this service. Included in out-of-home laundry is the time needed to travel to/from a locally available laundromat or other laundry facility.

.136 Reasonable food shopping and other shopping/errands limited to the nearest available stores or other facilities consistent with the client's economy and needs. (Continued)

(b) Food shopping includes the tasks of making a grocery list, travel to/from the store, shopping, loading, unloading, and storing food.

(c) Other shopping/errands includes the tasks of making a shopping list, travel to/from the store, shopping, loading, unloading, and storing supplies purchased, and/or performing reasonable errands such as delivering a delinquent payment to avert an imminent utility shut-off or picking up a prescription, etc.

Authority: Welfare and Institutions Code Sections 10553 and
12301.1

Reference: welfare and Institutions Code Sections 10852,
12301.1, and 12301.2

(2) Amend MPP Sections 30-758.1 and .4 to read:

30-758 TIME PER TASK AND FREQUENCY STANDARDS

30-758

.1 When assessing the need for domestic the services specified in .11 through .15 below in accordance with the provisions of Section 30-763.2, the standard assessed time shall not exceed 6 hours total per month per household the standards listed except as provided in .4 below.

.11 Domestic services - The standard time for "domestic services" shall not exceed 6.0 hours total per month per household.

HANDBOOK

.111 Tasks included in domestic services are identified in Section 30-757.11.

.12 Laundry -

.121 For laundry services where laundry facilities are available in the home, the standard time shall not exceed 1.0 hours total per week per household.

HANDBOOK

(a) In-home laundry service is defined and limited in Section 30-757.135.

(b) In assessing time for in-home laundry services, it is expected that the provider will accomplish other tasks while clothes are washing and drying.

.122 For laundry services where laundry facilities are not available in the home, the standard time shall not exceed 1.5 hours total per week per household.

HANDBOOK

(a) Out-of-home laundry service is defined and limited in Section 30-757.135.

(b) It is expected that the typical provider will use a local laundromat during nonpeak hour time and will utilize as many machines simultaneously as necessary for efficient time utilization.

.13 Food Shopping - The standard time for "food shopping" shall not exceed 1.0 hours total per week per household.

HANDBOOK

.131 Food shopping is defined and limited in Section 30-757.136.

- HANDBOOK** | .14 Other shopping errands - The standard time for "other shopping/errands" shall not exceed 0.5 hours total per week per household.

.141 Other shopping/errands is defined and limited in Section 30-757.136.

30-758 TIME PER TASK AND FREQUENCY STANDARDS (Continued) 30-758

- .4 Exceptions to time per task standards shall be made when application of the standard would result in a substantial threat to the recipient's health or safety. Application of time per task standards is specified in Welfare and Institutions Code Section 12301.2.

.41 Welfare and Institutions Code Section 12301.2 states: Time for task standards can be used only if appropriate in meeting the individual's particular circumstances.

.42 When an exception to a time per task standard is made in an individual case, the reason for the exception shall be documented in the casefile.

HANDBOOK | .421 Documentation of the reason for the exception will provide necessary data to audit the effectiveness of each standard in terms of a) achieving equity in assessments; and b) evaluating program costs.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Sections 10852, 12301.1, and 12301.2.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

8510083

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW**

ORD #1284-64

REC'D
OCT 28 3 02 PM '85
OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING

NOV 26 1985

Office of Administrative Law

LEAVE BLANK

**1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:**

State Department of Social Services

(AGENCY)

BY:

Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

NOV 26 1985

At 4:27 o'clock P.M.

MARCH FONG EU, Secretary of State

By Margie Hershberger
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Dion Webb Regulations Analyst

TELEPHONE 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 41-403.2

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

**6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.**

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

**7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER**

May 31, 1985

b. DATE OF ADOPTION OF REGULATION(S)

October 24, 1985

**c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))**

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

**9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)**

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

8511213

NOV 21 4 50 PM '85

ENDORSED
APPROVED FOR FILING

NOV 27 1985

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services
(AGENCY)

BY: Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

NOV 27 1985
At 4:10 o'clock P. M.
MARCH FONG EU, Secretary of State
By: Marjorie Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Regulations Analyst Rick Torres

TELEPHONE
445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED 30-002(a) & (i); 30-310.1; 30-332.22; 30-342.351; 30-352.2; 30-354.11; 30-368.511; and 30-495.2
SECTIONS ADOPTED 30-002 (a) (3); 30-134.31; 30-154.121, .2, & .21; 30-342.321; and 30-376.131(c)
SECTIONS REPEALED 30-364.62 & .64

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing August 28, 1985

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

March 29, 1985

b. DATE OF ADOPTION OF REGULATION(S)

NOV 19 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☒ Effective on December 1, 1985 (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☒ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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(Attach additional sheets if necessary.)

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
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Part 9. Effective Dates—check one of the following:

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- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

FINAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

State law provides for services to protect children from being abused, neglected, and/or exploited by their parents or other adults with custodial responsibilities. This includes both Preplacement Preventive Services and Family Reunification Services. These services have not been totally effective, however, in meeting the special protective needs of very young children who are victims of severe physical abuse. These proposed regulations include a definition of "severe physical abuse". Chapter 1246 (Assembly Bill 2703) and Chapter 1608 (Senate Bill 1293), Statutes of 1984, address the need to correct these deficiencies in current state programs as they pertain to this population of children. These regulatory amendments are necessary to implement the statutory revisions contained in those statutes.

Chapter 1611 (SB 2123), Statutes of 1984, amends Welfare and Institutions Code Section 306 to expand the authority of the county welfare department social worker to take temporary custody of a minor. Circumstances may or may not indicate the need for the presence of law enforcement personnel. It is necessary to amend the regulations to ensure they do not impede the social worker's ability to appropriately respond in all situations.

Prior to recent legislation, peace officers were allowed, under Welfare and Institutions Code Section 308, to refuse disclosure to parents of the exact whereabouts of a child taken into protective custody only if they had a court order allowing them to do so. Chapter 1370 (AB 2708), Statutes of 1984, amended that statute to provide for nondisclosure without a court order for up to 48 hours. It further provides for a court review of the decision for nondisclosure within 24 hours of application by the parent to the court. These two provisions provide safeguards for the child and protection of parental rights. However, they do not address the issue of how the parent is to become aware of the parental rights provided by the Statute. It is necessary, therefore, to ensure in regulations that parents are informed

at the earliest possible time of their right to make such application to the court.

The court is required by Welfare and Institutions Code Section 319 to make a determination as to whether reasonable services had been provided to try to prevent the need to remove the child. Where first contact with the family occurred during an emergency situation in which the social worker determined immediate removal of the child was necessary, the court must make a finding as to whether the lack of preplacement preventive efforts were reasonable. It is necessary, therefore, to ensure in regulations that documentation is provided in the case record to provide a basis for the court's findings.

In addition to the major proposals specified above, certain technical revisions are being proposed. Section 30-002 contains a number of terms which directly reference and derive their definitions from specific Penal Code sections. This same situation applies to Section 30-132.211(a). These referenced Penal Code sections have been amended during the 1984 Legislative Session, necessitating revisions to the definitions contained in current regulations. Amending of these regulatory sections is necessary to make them consistent with the statute they reference. Additionally, certain regulatory sections have become obsolete through expiration of their operative dates. These sections are being repealed. Certain sections are also being adopted to provide clarification as handbook information only. Finally, standards for the county welfare departments for monthly, quarterly, and semi-annual face-to-face contacts by county staff have been withdrawn due to public comments.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

The specific purpose and factual basis for the proposed regulations are as follows:

Section 30-002(a)

Specific Purpose:

The specific purpose of the amendment to this section is to define the term "severe physical abuse".

Factual Basis:

This amendment is necessary to ensure that the application of the term "severe physical abuse" will be consistent statewide.

Section 30-002(a)(3)

Specific Purpose:

The specific purpose for the addition of this section is to define "severe physical abuse." The statutory language has been provided as a regulation to clarify "severe physical abuse" and for convenience to manual users.

Factual Basis:

This definition is necessary to ensure uniform application and compliance with the recently enacted statutes.

Section 30-002(i)

Specific Purpose:

The specific purpose of the amendment is to add the definition of "sexual exploitation" to the more general definition of "exploitation." It has been defined by cross-referencing Penal Code Section 11165(b)(2). The statutory language has been provided as handbook information in Section 30-002(i)(1).

Factual Basis:

In 1977, the California Senate Select Committee on Children and Youth received testimony from law enforcement officials which stressed the need to focus attention on the sexual exploitation of children as a form of child abuse. It was stated that research has indicated the use of children in child pornography and prostitution has often occurred with the permission and/or the active participation of parents.

In its August, 1980, report on "Sexual Exploitation of Children," the Illinois Legislative Investigating Commission observed, "...many child prostitutes...had been sexually molested before their prostitution activity began." It recommended that, "Any photographer wishing to film a child nude...must receive...a signed release from the child's parent or guardian authorizing such photography." It concluded that, "If we 'continue to behave as if most cases involve perpetrators who are strangers to the child...' we are only fooling ourselves."

Statutes do exist in the Penal Code setting forth penalties for the use of children in pornography and prostitution. A specific definition of "sexual exploitation," however, was nonexistent in the Code until the recent enactment of Chapter 1613. This regulation amendment is necessary to ensure uniform application of the term "sexual exploitation" with regard to the provision of child welfare services.

Sections 30-132.42 and 30-132.5

Specific Purpose:

The specific purpose of the amendments to these sections is to provide for all of the circumstances under which the social worker must have the presence of a peace officer in order to take a minor into temporary custody. Section 30-132.5 clarifies those circumstance under which a social worker may take a minor into custody without the presence of a peace officer.

Factual Basis:

This section is necessary to ensure that full latitude is provided to the social worker to request the assistance of law enforcement in those situations where appropriate and/or statutorily required to do so, and to act within the authority provided by Welfare and Institutions Code Section 306 when the circumstance do not indicate the need for the presence of law enforcement.

Section 30-134.31

Specific Purpose:

The specific purpose of this section is to cross-reference a requirement that the parent(s) be notified of his and/or her right to apply to the court for a review of any decision made under the provisions of Welfare and Institutions Code Section 308, for nondisclosure to the parent(s) of the exact location of a child taken into protective custody.

Factual Basis:

This requirement is necessary to ensure that social workers notify immediately parents of their right to make such an application.

Section 30-154.121

Specific Purpose:

The specific purpose of this section is to require that the parent(s)/guardian(s) be notified of his and/or her right to apply to the court for a review of a determination made not to disclose a child's whereabouts to the parent(s)/guardian(s) because the child would be endangered or his/her custody has been disturbed. The statutory language has been provided as handbook information in Sections 30-154.121(b) and (b)(1).

Factual Basis:

This requirement is necessary to ensure the protection of parental rights. This requirement is necessary to implement Welfare and Institutions Code Section 308 and to ensure that the parent be provided timely recourse to contest the determination that the child's whereabouts should not be disclosed.

Section 30-154.121(a)

Specific Purpose:

The specific purpose of this section is to require the social worker to document in the case record the reason(s) why the social worker failed to notify the parent(s) of his/her right to apply to the court for a review of any decision made not to disclose the child's whereabouts to the parent(s).

Factual Basis:

This requirement is necessary to ensure the social worker documents in the case record the reason(s) why the social worker failed to notify the parent(s) of his/her right to apply to the court for a review of any decision not to disclose the child's whereabouts to the parent(s).

Section 30-154.2

Specific Purpose:

The specific purpose of this section is to require that documentation be placed in the case record of the efforts made and services provided in an attempt to negate the necessity for removal of the child from the home.

Factual Basis:

This requirement is necessary to provide documentation upon which the court may base its findings pertaining to whether reasonable preplacement preventive services were provided.

Such judicial findings are mandated by Welfare and Institutions Code Section 319.

Section 30-154.21

Specific Purpose:

The specific purpose of this section is to require that documentation be placed in the case record of the circumstances making it unsafe for the child to remain in the home, necessitating the emergency removal of the child without the prior provision of preplacement preventive services.

Factual Basis:

This requirement is necessary to provide documentation upon which the court may base its findings pertaining to the reasonableness of not providing preplacement preventive services in emergency situations. Such findings are mandated by Welfare and Institutions Code Section 319.

Section 30-162.22

Specific Purpose:

The specific purpose of this section is to prohibit unsupervised visits between a parent and a child for whom a dependency petition pursuant to Welfare and Institutions Code Section 300(d) has been filed alleging "severe physical abuse."

Factual Basis:

This section is necessary to ensure special protection for a very young child who is suspected or known to be a victim of severe physical abuse while providing services necessary to assist the parent(s) in providing a safe home for the child. This special protection is necessary because, as stated in the 1981 State Department of Social Services' Report to the Legislature on 24-Hour Child Protective Services, sixty percent of those children who suffer major physical injuries due to abuse are age two or younger. That report further states, "Very small children who are victims of physical abuse injure more easily, and are less able than older children to escape from an abusive adult." The potentially volatile interim period between removal of the child and the disposition hearing could be a particularly vulnerable time for the child if left unsupervised with the alleged abusive parent(s). The U.S. Department of Health and Human Services

publication, "Family Violence: Intervention Strategies," states that, "If children are left alone with the abuser, they may be at risk...when the children have been abused in the past...." It further states that "...in situations where potential harm to the children continues after the crisis has been alleviated, it is necessary to monitor the family...." This section is necessary to ensure that the special protections afforded to severely abused dependents also be provided to children who are suspected or known to be severely abused but are not yet adjudged dependents.

Sections 30-342.31, .311, and .311(c)(2), .311(c)(4), and .32. (Removed from filing)

Section 30-342.321

Specific Purpose:

The specific purpose of this section is to prohibit unsupervised visits or trial placements as a part of family reunification services provided to a family from whom a child has been removed pursuant to a finding of "severe physical abuse" under Welfare and Institutions Code Section 361(b)(5).

Factual Basis:

This section is necessary to implement the requirement of Welfare and Institutions Code Section 361(f) that unsupervised visits and trial placements be excluded from the family reunification services provided to a parent of a child removed pursuant to Welfare and Institutions Code Section 361(b)(5) until such time as it has been determined that such services are not detrimental to the welfare of the child.

Section 30-342.351

Specific Purpose:

The specific purpose of the amendment to this section is to specify that the time frame involved in the application of this regulation is based on thirty calendar days.

Factual Basis:

This provision specifies that each child in placement shall receive a medical and dental examination not later than 30 calendar days after placement. The amendment to this section is necessary to provide clarification of the time frame, since questions have been raised by counties as to whether

working days or calendar days are meant, and to ensure uniform application throughout the state.

Sections 30-342.51, and .61 (Removed from filing)

Section 30-352.2

Specific Purpose:

The specific purpose of the amendment to this section is to specify that the time frame involved in the application of this regulation is based on sixty calendar days.

Factual Basis:

This provision specifies postplacement services shall be limited to sixty calendar days from the date the child returns home unless ordered otherwise by the court. The amendment to this section is necessary to provide clarification of the time frame and to ensure uniform application throughout the state.

Sections 30-364.62 and .64

Specific Purpose:

The specific purpose of these actions is to repeal these two sections.

Factual Basis:

The operative period of these two sections has expired. It is necessary to repeal these sections so that the regulations will not be cluttered with inoperative and therefore meaningless material.

Section 30-368.511

Specific Purpose:

The specific purpose of the amendment to this section is to specify that the time frame involved in the application of this regulation is based on thirty calendar days.

Factual Basis:

This provision specifies that the parent(s) of newborn Indian children who are placed for voluntary foster care placement through a licensed adoption agency and relinquishment is being considered, make an appearance before a judge if

relinquishment is not made within 30 calendar days. The amendment to this section is necessary to provide clarification of the time frame, since questions have been raised by the counties as to whether working days or calendar days are meant, and to ensure uniform application throughout the state.

Section 30-375.131(c)

Specific Purpose:

The specific purpose of this section is to require an explicit description of the circumstances surrounding the severe physical abuse of a child and an evaluation as to whether family reunification services would be detrimental to the child.

Factual Basis:

This section is necessary to provide the documentation required for the report to the court regarding whether the provision of family reunification services to the child would be detrimental. This report is required by Welfare and Institutions Code Section 361(f).

Sections 30-442.31, .311, .312, .313, and .313(a) (Removed from filing)

Section 30-495.2

Specific Purpose:

The specific purpose of the amendment to this section is to specify that the time frame involved in the application of this regulation is based on 15 calendar days.

Factual Basis:

This provision specifies that the parties specified in Sections 30-494.11, .13, .14, and .16 shall be provided written notice of the hearing at least 15 calendar days prior to a scheduled administrative review hearing. The amendment to this section is necessary to provide clarification of the time frame, since questions have been raised by the counties as to whether working days or calendar days are meant, and to ensure uniform application throughout the state.

c) Identification of Documents Upon Which Department Is Relying

AB 2703 (Sher), Chapter 1246 Statutes of 1984.

AB 2708 (Vicencia), Chapter 1370 Statutes of 1984.

AB 2709 (Vicencia), Chapter 1613 Statutes of 1984.

SB 1293 (Presley), Chapter 1608 Statutes of 1984.

SB 2123 (Marks), Chapter 1611 Statutes of 1984.

California Senate Select Committee on Children and Youth, Friday, April 1, 1977 public hearing; Illinois Legislative Investigating Commission 1980 (August), Report on "Sexual Exploitation of Children"; U.S. Department of Health and Human Services, National Center on Child Abuse and Neglect, "Family Violence: Intervention Strategies," May 1980; and State Department of Social Services Report to the Legislature "24-Hour Child Protective Services," January 1981.

d) Testimony Summary and Response:

These regulations were heard May 15, 16, and 17, 1985 in Sacramento, Los Angeles, and Oakland, respectively. The record was left open on item #3 (School Age Child Day Care) at the May 15, 1985 hearing until May 31, 1985 to allow additional time for the submission of written comments. There was only one oral testifier. The assistant director of Fresno County's Department of Social Services testified in Los Angeles on May 16, 1985. In addition, comments from San Diego County were received on June 10, 1985, well after the record closed and will not be addressed, but will be a part of the rulemaking file. The oral comment and the written comments received from the National Association of Social Workers (NASW) and the counties of Fresno, Kings, Orange, San Bernardino, San Joaquin, and Santa Barbara; and the Department's responses follow numerically.

General:

Comment:

The National Association of Social Workers (NASW) commented that the state should set caseload standards for all counties consistent with goals of social work practice and SB 14, and fully fund those caseloads. These regulations should be postponed until children's protective services units have the capacity to respond appropriately.

Response:

Statutory authority does not exist which would allow the Department to set statewide social worker caseload standards

for child welfare services. Further, due to the unique organization and operating procedures of each county and the variable factors involved in individual cases, the Department does not possess the necessary program and client information for each county that would facilitate the development of statewide social worker caseload standards at this time. No revisions to the proposed regulations have been made in response to this testimony.

Handbook Sections 30-132.42, 30-132.5, and 30-132.51
(Temporary Custody by Social Workers)

Comment:

Santa Barbara County commented that the existing regulation should be retained. Welfare and Institutions Code Section 306, as amended, is permissive, not obligatory. Regulations should not reflect an automatic expansion of the authority of county welfare department social workers to take temporary custody of a child. Existing regulations do not impede the social worker's ability to appropriately respond in all situations. Questions exist as to whether additional statutory changes are required with respect to Penal Code Section 830 before social workers can legally exercise peace officer functions with respect to unadjudicated minors.

Comment:

The National Association of Social Workers commented that this change in the regulations will result in confusion between law enforcement agencies and child protective services. It is to the detriment of both to shift responsibility for taking children into custody to children's services. As drafted, social workers will also be responsible for gathering evidence. Procedures for taking photos, writing incident reports, arranging for medical exams are not developed for social workers. Child protective services resources have already been stretched beyond capacity.

Response:

The Department concurs that Welfare and Institution Code Section 306 is permissive, rather than obligatory, in providing county welfare department social workers the authority to take into temporary custody children who meet Welfare and Institution Code Section 300(a) and (b) criteria. While there is no statutory mandate on counties to exercise this new removal authority, it is necessary to clarify in handbook that this option is available for use by the social

worker when appropriate even in the absence of peace officer status. The proposed regulations do not place additional mandates or child welfare services requirements on county welfare departments. Investigation and documentation of the circumstances of the case continue to occur as a part of the normal child welfare services process. No revision to the proposed Handbook section has been made in response to this testimony.

Sections 30-134.31, 30-154.121, and Handbook Section 30-154.121(b)(1) (Nondisclosure to Parent of Child's Location)

Comment:

Fresno County commented that the court is already available for the detention hearing for this purpose. The regulation would be an imposition of additional administrative activity on social workers. Also, foster parents have very real fears regarding the potential disruption an emotionally charged parent can cause. The proposed regulation would serve to interfere with the required investigation on the part of the social worker and would endanger the safety and well-being of foster parents.

Comment:

Stanislaus County commented that the court review time should specify the detention hearing and that Section 30-154.121(b)(1) needs clarification. Parents need to know that within 72 judicial hours they will have an opportunity for a review.

Comment:

The NASW commented that these regulations would have children's services staff doing the court's work. Juvenile court staff should notify parents of any court appeals process, including the court's decision regarding nondisclosure. Court orders are not always immediately known to the social worker and the resultant time lags make the appeals process described in the proposed regulations unworkable.

Response:

We can see no correlation between the safety of foster parents or the child and the proposed regulation for notification to the parent of his/her right to appeal. Welfare and Institutions Code Section 308, provided in

Handbook Section 30-154.121(b)(1) requires the probation (social) worker to immediately notify the parent that his/her child has been taken into custody, regardless of whether or not the child's location is to be disclosed. Contact with the parent by the social worker is also a part of the child abuse report response process required by Section 30-132.3. The verbal notification to the parent of his/her right to appeal, therefore, does not impose any significant addition to the social worker's current responsibilities. The social worker is made aware of the decision for nondisclosure at the time the referral is made to the county welfare department by the detaining officer. There is no necessity, therefore, for the social worker to wait for a court order to make this notification to the parent. The appeal process and court review time of 24 hours is set by statute and cannot be changed by regulation. No revision to the proposed regulation has been made in response to this testimony.

Section 30-162.22 (Supervised Visits for Severely Physically Abused Children)

Comment:

Stanislaus County commented that the requirement that visits always be supervised is not reasonable. Subsequent visits could be supervised by other professionals or lay persons such as foster parents or relatives. How would we supervise extended visits if that were a part of the service plan?

Comment:

The NASW also commented that requirements pertaining to unsupervised visits will increase caseloads. While there is a need for monitored visits, the state must recognize the constraints on foster parents and social workers.

Response:

(See comments under 30-342.321) The interim between removal of a child and the disposition hearing is a highly volatile time period. Supervision of a parent-child visit during this time period is essential to the protection of a very young child who has been removed as a result of severe physical abuse by that parent due to the child's particular vulnerability. Such supervision requires the social worker's knowledge of the individual case, as well as his/her professional expertise in handling of the individual case, as well as his/her professional expertise in handling extremely stressful situations, using crisis intervention techniques, dealing with client hostility, using authority comfortably,

and making critical diagnostic assessments of family functioning. No revision has been made to the proposed regulations in response to this testimony.

Handbook Section 30-162.411(b) (Court Determination of Reasonable Preplacement Preventive Efforts)

Comment:

Stanislaus County commented that the regulation should specify its applicability to other preplacement preventive services rather than intake assessment, shelter care, and transportation. Otherwise, a court determination that there was a lack of services could jeopardize federal funding. Therefore, it should specify that it is not reasonable to provide other services in addition to those preplacement preventive services already provided, i.e., the intake assessment, shelter care, and transportation.

Response:

Handbook Section 30-162.411(b) is presented as handbook material and references pertinent sections of statute. The amendment to this section reflects recently enacted amendments to that statute. No revision to the proposed regulations has been made in response to this testimony.

Sections 30-342.3, 30-342.31, 30-342.311, 30-342.311(c)(2), 30-342.311(c)(4), 30-342.32, 30-342.51, 30-342.61, 30-442.3, 30-442.31, 30-442.311, 30-442.312, 30-442.313, 30-442.313(a), 30-442.32 (Face-to-Face Contacts)

Comment:

Fresno County commented that thirty calendar days, rather than "monthly," would cause new administrative difficulties and new administrative cost increases by requiring a more complex and extensive system of monitoring contacts to keep track of day as well as month of contact. It is an unnecessary drain on resources.

Comment:

Orange County commented that thirty calendar days creates a situation where the social worker must have fact-to-face contact every 25 days to ensure compliance and remain flexible enough to respond to case emergencies. The proposed change has workload implications which exacerbate the shortage of staff.

Comment:

San Bernardino commented that the proposed regulations are excessive and arbitrary. The 30 calendar day definition will significantly increase technical noncompliance with contact requirements.

Comment:

Kings County commented that a date-specific mandate for social worker contact is unrealistic and limits the social worker's ability to use professional judgment in providing casework services.

Comment:

San Joaquin County commented that the separate tracking and monitoring of face-to-face contacts every 30 days is cumbersome and unwieldy.

Comment:

Santa Barbara County commented that this change will require more complex controls and additional staff work. Social workers will have no latitude to make discretionary determinations as they currently do. An increase in staff may be necessary. The example cited in Section 30-442.313 is technically incorrect since February only has 28 days.

Response:

The proposed amendment to the regulatory language used for intervals between social worker child-parent contacts from "monthly" to "every 30 calendar days" does not reflect a change in the intent of the current regulation. It is an attempt to assure that children in foster care are seen by the social worker at least once every 30-31 calendar days. In some counties, children in some instances have not been seen more often than once in 59 days due to county interpretation of the "monthly" concept. The proposed regulation amendment was intended to clarify the intent of the current regulation, and assure consistency in delivery of service throughout the state. However, based upon the comments received from counties regarding needed administrative flexibility, a decision has been made to retain the current regulatory language. Therefore, the proposed amendments to Sections 30-342.31, .311, .311(c)(2), .311(c)(4) .32, .51, .61, and Sections 30-442.31, .311, .312, .313, .313(a), and .32 have been withdrawn.

Section 30-342.321 (Unsupervised Visits/Trial Placements for Severely Physically Abused Children)

Comment:

Fresno County commented that unsupervised visits and trial placements are important and essential steps in the Family Reunification process. Their use must continue to be a practice option available to the courts and to social workers. The regulations should recognize the ability of the court to give consent for unsupervised visits and/or trial placements at the time a report is submitted indicating continued family reunification is not detrimental to the child.

Response:

Welfare and Institutions Code Section 361(f) specifically excludes unsupervised visits and trial placements from those family reunification services to be provided on behalf of a very young victim of severe physical abuse, and requires the probation officer to investigate and report to the court at the first six-month review hearing whether there exist any circumstances which, in spite of the severe physical abuse, reveal it would not be detrimental to the child to continue to attempt reunification of the family. The statute does not indicate that the restriction on unsupervised visits/trial placements should be lifted during such continued attempts at reunification. Further, the very young children to which this statute and corresponding regulations apply are particularly vulnerable to the risk involved in unsupervised visits and trial placements. Their bodies are normally slighter and suffer more easily greater extensive physical injuries than a more mature child. Approximately 60% of children suffering major physical injury due to abuse are age two and under. The motor, verbal, and reasoning skills of these children have only begun to develop. They therefore are not as capable of getting out of harm's way or seeking help as an older child could. Additionally, the restrictions apply only to reunification efforts directed at the offending parent(s) who already has demonstrated a volatile approach to the child. The continued restriction on unsupervised visits and trial visits is essential to the higher degree of protection necessary for these children. No revision to the regulation has been made in response to this testimony.

Section 30-342.351 (Medical Examinations Required Within 30 Calendar Days)

Comment:

Kings County commented on the 30 calendar day requirement making mention of the face-to-face contact issue.

Response:

It is assumed that the reference to this section was in error since the testimony presented made no comment pertaining to medical examinations which is the basis of this regulation. No revision to the proposed regulation has been made in response to the reference made to this section.

Section 30-352.2 (Limitation of Post Placement Services to 60 Calendar Days)

Comment:

San Bernardino County commented on the excessiveness of the 30 calendar day requirement for face-to-face contacts.

Response:

It is assumed that the reference to this section was in error since the testimony presented made no comment pertaining to post placement services which is the basis of this regulation. No revision to the proposed regulation has been made in response to the reference to this section.

Section 30-495.2 (Notification Regarding Administrative Review Hearings)

Comment:

San Bernardino County commented on the arbitrariness of the 30 calendar day requirement for face-to-face contacts.

Response:

It is assumed that the reference to this section was in error since the testimony presented made no comment pertaining to notification of administrative review hearings which is the basis of this regulation. No revision to the proposed regulation has been made in response to the reference made to this section.

Sections 30-310.25 and 30-342.381

Comment:

San Joaquin County and Santa Bernardino County, respectively referenced these sections in their comments.

Response:

We assume the references to these two sections were in error since these regulation sections are not addressed in the proposed regulations, and there were no specific comments directed to their contents.

e) Local Mandate Statement

The subject regulations do impose a mandate on local agencies but not on local school districts. There are no costs in this order which are reimbursable under Section 2231 of the Revenue and Taxation Code because there are no costs within the meaning of Section 2207 of the Revenue and Taxation Code.

f) Statement of Potential Cost Impact on Private Persons or Businesses

The Department of Social Services finds that the adoption of this regulation will result in no cost impact on public agencies, private persons, or entities directly affected.

g) Small Business Impact Statement

The Department of Social Services finds that the amendment of these regulations will not have a significant adverse economic impact on small businesses.

UPDATED INFORMATIVE DIGEST

State law provides for services to protect children who have been or are in danger of being abused, neglected, and/or exploited by their parents or other adults with custodial responsibilities. This includes both Preplacement Preventive Services and Family Reunification Services. These services have not been totally effective, however, in meeting the special protective needs of very young children who are victims of severe physical abuse. These proposed regulations include a definition of "severe physical abuse". A 1981 report to the Legislature by the State Department of Social Services (SDSS) indicates that this population of children is in need of special protection due to their exceptional vulnerability to severe physical abuse. The Legislature addressed these special needs by enacting the statutory revisions contained in Chapters 1246 (AB 2703) and 1608 (SB 1293), Statutes of 1984. These proposed regulatory amendments are necessary to implement those revisions and to provide very young children with special protection from severe physical abuse.

Chapter 1611 (SB 2123), Statutes of 1984, amends Welfare and Institutions Code Section 306 to expand the authority of the county welfare department social worker to take temporary custody of a minor. Circumstances may or may not indicate the need for the presence of law enforcement personnel. It is necessary to amend the regulations to ensure they do not impede the social worker's ability to appropriately respond in all situations.

Prior to recent legislation, peace officers were allowed, under Welfare and Institutions Code Section 308, to refuse disclosure to parents of the exact whereabouts of a child taken into protective custody only if they had a court order allowing them to do so. Chapter 1370 (AB 2708), Statutes of 1984, amended that statute to provide for nondisclosure without a court order for up to 48 hours. It further provides for a court review of the decision for nondisclosure within 24 hours of application by the parent to the court. These two provisions provide safeguards for the child and protection of parental rights. However, they do not address the issue of how the parent is to become aware of the parental rights provided by the statute. It is necessary, therefore, to ensure in the proposed regulations that parents are informed at the earliest possible time of their right to make such application to the court.

The court is required by Welfare and Institutions Code Section 319, as amended by Chapter 1608 (SB 1293), Statutes of 1984, to make a determination as to whether reasonable services had been provided to try to prevent the need to remove the child. Where first contact with the family occurred during an emergency situation in which the social worker determined immediate removal of the child was necessary, the court must make a finding as to whether the lack of preplacement preventive efforts were reasonable. It is necessary, therefore, to ensure in regulations that documentation is provided in the case record to provide a basis for the court's findings.

In addition some technical revisions are being proposed. Section 30-002 contains a number of terms which directly reference and derive their definitions from specific Penal Code sections. This same situation applies to Section 30-132.211(a). These referenced Penal Code sections have been amended during the 1984 Legislative Session, necessitating revisions to the definitions contained in current regulations. Amending of these proposed regulatory sections is necessary to make them consistent with the statute they reference. Additionally, certain current regulatory sections have become obsolete through expiration of their operative dates. These sections are being repealed. References to monthly, quarterly, and semi-annual face-to-face contacts which stipulate "thirty, sixty, or ninety calendar days" as opposed to "monthly, 60 days, or quarterly" face-to-face contacts with children by county staff are being withdrawn due to public comments. Finally, certain sections are also being adopted to provide clarification as handbook information only.

Renumber Section 30-002(a)(3) to (a)(4) and amend as follows:

Adopt new Section 30-002(a)(3) to read. Amend Sections 30-002(a), 30-002(i), 30-002(s)(1), (s)(2) and (s)(3) as follows:

30-002 DEFINITIONS

30-002

- (a) "Abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s) in whom the court has vested care, custody, and control of the child. The term also includes emotional, physical, severe physical, and sexual abuse as defined in Sections 30-002(a)(1) through (3) (4) below.

30-002 DEFINITIONS (Continued)

30-002

(a) (Continued)

- (3) "Severe physical abuse" means any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

- (34) "Sexual abuse" means the victimization of a child by sexual activities, including but not limited to those activities defined in Penal Code Section 11165(b) as "sexual assault."

(A) This statute specifies as follows:

1. "Sexual assault" means conduct in violation of one or more of the following sections of the Penal Code: Sections 261 (rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivisions (a) and or (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age), 288a (oral

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copulation), and 289 (penetration of a genital or anal opening by a foreign object), and or 647a (child molestation).

30-002 DEFINITIONS (Continued)

30-002

(i) "Exploitation" means forcing or coercing a person into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165(b)(2).

(1) Penal Code Section 11165(b)(2) defines "sexual exploitation" as follows:

(A) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or Subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

(B) Any person who knowingly promotes, aids or assists, employs, uses, persuades, induces, or coerces a child, or any parent or guardian of a child under his or her control who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, or live performance involving obscene sexual conduct for commercial purposes.

(C) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, videotape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in Subdivisions (c) and (e) of Section 311.3.

30-002 DEFINITIONS (Continued)

30-002

(s) (Continued)

(1) Penal Code Section 11165(c)(1) defines "severe neglect" as follows:

- (A) The negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as prescribed by Subdivision (d), including the intentional failure to provide adequate food, clothing, shelter, or medical care.

30-002 DEFINITIONS (Continued)

30-002

(s) (Continued)

(2) Penal Code Section 11165(c)(2) defines "general neglect" as follows:

- (A) The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

30-002 DEFINITIONS (Continued)

30-002

(s) (Continued)

(3) Penal Code Section 11165(c)(2) further specifies as follows:

- (A) A child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by a parent or guardian after consultation with a physician or physicians who

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have examined the minor does not constitute neglect.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 356 and 361; and Penal Code Section 11165(b)(c).

Amend Handbook Section 30-132.211(a)(1), amend Section 30-132.42, adopt Section 30-132.5, and adopt Handbook Sections 30-132.51, .511, .511(a) and (b) to read:

30-132 RESPONSE TO REQUESTS AND REFERRAL (Continued) 30-132

.2 (Continued)

.21 (Continued)

.211 (Continued)

(a) (Continued)

- (1) The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

30-132 RESPONSE TO REQUESTS AND REFERRAL (Continued) 30-132

.4 (Continued)

- .42 A child must be placed in temporary custody and the county welfare department social worker is not deputized as a peace officer or authorized by welfare and Institutions Code Section 306 to perform such an act.

- .5 Emergency response staff may take a child into temporary custody without the assistance of law enforcement whenever authorized to do so under Welfare and Institutions Code Section 306.

- .51 Welfare and Institutions Code Section 306 specifies in pertinent part as follows:

- .511 Any social worker in a county welfare department, while acting within the scope of his or her regular duties under the direction of the probation department or juvenile court and pursuant to Section 272, may do all of the following:

- (a) Take into temporary custody and maintain temporary custody of, without a warrant, a minor who has been declared a dependent child of the juvenile court under Section 300, and is in need of care.
- (b) Take into temporary custody and maintain temporary custody of a minor without a warrant, when the social worker has reasonable cause to believe that the minor is a person who is described in subdivision (a) or (b) of Section 300.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 306 and Penal Code 11165(c).

Adopt new Section 30-134.31 to read:

30-134 INITIAL EVALUATION

30-134

•3 (Continued)

•31 If the provision of services includes temporary placement of the child, and a determination has been made that the minor would be endangered or his/her custody disturbed by the disclosure to the parent(s)/guardian(s) of the minor's exact whereabouts, the social worker shall comply with the provisions in Section 30-154.121.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 308.

Renumber 30-154.2, .3, and .4 to .3, .4, and .5, respectively, and adopt new Sections 30-154.121, .121(a), .121(b), .121(b)(1), .2, and .21, to read:

30-154 TEMPORARY PLACEMENT SERVICES

30-154

.1 (Continued)

.12 (Continued)

.121 If a determination has been made in accordance with Welfare and Institutions Code Section 308 that the minor would be endangered or his/her custody would be disturbed by the disclosure to the parent(s)/guardian(s) of the minor's exact whereabouts, the social worker shall notify immediately the parent(s)/guardian(s) either in person or by telephone of his and/or her right to apply to the court for a review within 24 hours by the court of that determination.

(a) If the social worker fails to notify the parent(s)/guardian(s) as specified in Section 30-154.121, the social worker shall document in the case record the reason(s) for failure to do so.

(b) Welfare and Institutions Code Section 308 specifies in pertinent part as follows:

(1) When an officer takes a minor before a probation officer pursuant to this article, he or she shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that the minor is in custody and the place where he or she is being held, except that, upon order of the juvenile court, the parents shall not be notified of the exact whereabouts of the minor. The court shall issue such an order only upon a showing that notifying the parents of the exact whereabouts would endanger the child or that the parents are likely to flee with the child. However, if it is impossible or impracticable to obtain a court order

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authorizing nondisclosure prior to the detention hearing, and if the officer has a reasonable belief that the minor would be endangered by the disclosure of his or her exact whereabouts, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held. The court shall review any such decision not to disclose the place where the minor is being held at the detention hearing, and shall conduct that review within 24 hours upon the application of a parent, guardian, or a responsible relative.

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•2 The social worker shall document in the case record any preplacement preventive efforts made or services provided.

•21 Where first contact with the family occurs during an emergency situation in which the child could not safely remain in the home, even with reasonable services being provided, the social worker shall document those circumstances in the case record.

•2.3 (Continued)

•231 (Continued)

•232 (Continued)

•233 (Continued)

•34 (Continued)

•341 (Continued)

•342 (Continued)

•3421 (Continued)

•343 (Continued)

•45 (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 308 and 319.

Adopt new Sections 30-162.22 and .412 to read:

Amend Section 30-162.411(b) to read:

30-162 CASE MANAGEMENT

30-162

.2 (Continued)

- .22 When a dependency petition has been filed alleging "severe physical abuse", all visits between the child and parent(s) shall be supervised by child welfare services staff.

30-162 CASE MANAGEMENT

30-162

.4 (Continued)

.41 (Continued)

.411 (Continued)

- (b) The probation officer (or social worker) shall report to the court on the reasons why the minor has been removed from the parents' custody, the need, if any, for continued detention, and on the available services and the referrals methods to be used which would facilitate the return of the minor to the custody of the minor's parents or guardians. The court shall also make a determination as to whether reasonable services have been provided to prevent the need for removal of the child. Where during an emergency situation in which the child could not safely remain at home even with reasonable services being provided, the court shall make a finding that the lack of preplacement preventive efforts were reasonable.

.412 Welfare and Institutions Code Section 332 specifies in pertinent part as follows:

- (a) If it is alleged that the minor is a person described by Subdivision (d) of Section 300, the petition shall contain an

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allegation that severe physical abuse has occurred if the probation officer intends to request a finding of severe physical abuse pursuant to Section 356.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 332 and 361(f).

Amend Section 30-310.1 to read:

30-310 ELIGIBILITY

30-310

- 1 Family reunification services shall be available as specified in Welfare and Institutions Code Sections 361(ef), 16507, and 16507.4.

- 11 These statutes specify the following:

- 111 Such services shall be available without regard to income to any family whose child has been adjudicated or is in the process of being adjudicated a dependent child of the court under the provisions of Welfare and Institutions Code Section 300. These services shall not exceed 12 months except as provided in Welfare and Institutions Code Section 361(ef). Services may be extended for up to an additional six months by court order if it can be shown that the objectives of the service plan can be achieved within the extended period.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 361(f).

Amend Section 30-332.2 and .22 to read:

30-332 ASSESSMENT

30-332

.1 (Continued)

.2 The assessment shall include the information specified in Sections 30-376.13 through .131(fg).

.22 The county shall be permitted to use an assessment which is an update of a previous assessment completed for this or another child welfare services program, provided that all of the requirements specified in Sections 30-376.131 through .131(fg) are met.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Adopt new Section 30-342.321 to read:

30-342 PLACEMENT CASE MANAGEMENT

30-342

•3 (Continued)

•32 (Continued)

•321 If the child has been removed pursuant to a finding of "severe physical abuse" as provided for in Welfare and Institutions Code Section 361(b)(5), such contact shall not include unsupervised visits or trial placements.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 361(f).

Amend Sections 30-342.351 and adopt Handbook Section .7 and .71 to read:

30-342 PLACEMENT CASE MANAGEMENT

30-342

.3 (Continued)

.35 (Continued)

.351 Each child in placement shall receive a medical and dental examination, preferably prior to but not later than 30 calendar days after placement.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend-Section 30-352.2 to read:

30-352 POSTPLACEMENT SERVICES

30-352

.2 Postplacement services shall be limited to ~~sixty~~ 60 calendar days from the date of the child's return home unless otherwise ordered by the court.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend Section 30-354.11 to read:

30-354 CASE TRANSFER

30-354

.1 (Continued)

- .11 The time limits specified in Welfare and Institutions Code Section 361(e~~f~~), 16507.3(a), and 16507.6 have expired.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 361(f).

Repeal Section 30-364.62 and renumber Section 30-364.63, accordingly. Repeal Section 30-364.64 as shown:

30-364 ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS 30-364

.6 (Continued)

*62 Welfare and Institutions Code Section 16507.3(b) provides that an otherwise eligible child placed voluntarily prior to January 1, 1982 may remain eligible for child welfare services without regard to length of time in placement until April 1, 1984.

.632

.6321

.6321

.6323

*64 For those children placed voluntarily prior to January 1, 1981 the six-month consecutive time period specified in *63 above shall commence October 1, 1982.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Amend Section 30-368.511 to read:

30-368 ADDITIONAL REQUIREMENTS FOR PLACEMENT OF INDIAN CHILDREN 30-368

•5 (Continued)

•51 (Continued)

•511 If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency, and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 calendar days because the relinquishment is not taken within such time period.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

Adopt new Section 30-376.131(c) and renumber current Sections 30-376.131(c) - (f) accordingly.

30-376 CASE RECORDS

30-376

.1 (Continued)

.13 (Continued)

.131 (Continued)

(c) If the child has been removed pursuant to a finding of "severe physical abuse" as provided for in welfare and Institutions Code Section 361(b)(5), the assessment shall include a description of the circumstances surrounding the severe physical abuse of the child and an evaluation as to whether family reunification services would be detrimental to the child.

(ed)

(de)

(ef)

(fg)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 361(f).

Amend Section 30-495.2 to read:

30-495 NOTIFICATION REGARDING THE REVIEW (Continued) 30-495

- .2 At least 15 calendar days prior to a scheduled administrative review hearing, the agency shall provide written notice of the hearing to the parties specified in Sections 30-494.11, .13, .14, and .16.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

8511142
ORD #0685-38

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED

Nov 14 10 37 AM '85

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

DEC 1 6 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

DEC 1 6 1985

At 4:25 o'clock P.M.

MARCH FONG EU, Secretary of State

By Marjorie Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Andy Molina, Regulations Analyst

TELEPHONE

445-1878

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22

46-425.654, 46-425.66

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

August 2, 1985

b. DATE OF ADOPTION OF REGULATION(S)

October 23, 1985

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend MPP Sections 46-425.654 and .66 to read:

46-425 SPECIAL CIRCUMSTANCES (Continued)

46-425

- 6 Categories of Special Circumstances Payments. Payments under this section shall be limited to the following: (Continued)

•65 (Continued)

•654 When the SSP recipient is moving with a nonrecipient(s), payment shall be made for only the SSP recipient's share of the total cost of the move. Proration of costs shall not apply to nonrecipient minors in the home.

- 66 Supplemental moving expenses, including the required costs of securing suitable housing as designated below, necessary because of eviction or because current housing is unsafe or unhealthful as determined by the CWD.

The supplemental moving expense payment is separate from any moving expenses granted under Section 46-425.65. When the SSP recipient is moving with a nonrecipient(s), payment shall be made for only the SSP recipient's share of the total cost of the move. Proration of costs shall not apply to nonrecipient minors in the home.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 12550.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

8508061

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

AUG - 6 1985

ENDORSED
APPROVED FOR FILING

DEC 18 1985

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

BY:

Linda S. McBratton
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

DEC 18 1985
At 4:24 o'clock P.M.
MARCH FONG EU, Secretary of State
By: [Signature]
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dan Fleek, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED 40-103.1, .2, .32, .4; 40-107.2, .5; 40-115.211, .212; 40-125.41; 40-126.1;
40-128.1, .11, .12; 40-129(a)&(b), .3, .32, .4, .41, .42, .437; 40-131.1, .3j; 40-171.221(e);
~~SECTIONS ADOPTED~~ 40-181.11, .121, .14, .16, .252(f), .41, .42; 40-191.2; and 40-197.2
SECTIONS REPEALED 40-103.82; 40-117.1, .4; 40-128.3; 40-131.3o; 40-157.15; 40-167, et. seq.

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☐ No ☒ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

3/29/85

b. DATE OF ADOPTION OF REGULATION(S)

8/1/85

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

7/12/85

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend MPP Section 40-103.1

40-103 DEFINITIONS AND DESIGNATIONS - GENERAL

40-103

- 1 Public Social Services (see definition in Section ~~10-010-13~~
11-003.1).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10551 and 10554.

Amend MPP Section 40-103.2 to read:

40-103 DEFINITIONS AND DESIGNATIONS - GENERAL

40-103

.2 Services (see definition in Section 10-010~~13~~(11)).

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10061,
 10553, and 10554.

Amend MPP Section 40-103.32 to read:

40-103 DEFINITIONS AND DESIGNATIONS - GENERAL (Continued) 40-103

.3 Aid (Continued)

- .32 Medical Assistance only for others who are determined eligible under the California Medical Assistance Program. Aid is not interrupted by a change in the recipient's status from a cash grant to medically needy individual or family under the same program, or conversely from medically needy to a cash grant under the same program. Such a The change requires no new application.

Authority: Welfare and Institutions Code Sections 10553, and 10554.

Reference: Welfare and Institutions Code Sections 11050, 11057, 45 CFR 206.10(a)(6) and 45 CFR 206.10(a)(1)(ii).

Amend MPP Section 40-103.4 to read:

40-103 DEFINITIONS AND DESIGNATIONS - GENERAL (Continued) 40-103

•4 Applications for Aid

An application is a request for aid in writing made to the county welfare department on the CA-1 or APSB 281 either by the applicant or on his or her behalf.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11050, and Statutes 1981, Chapter 69, Section 23.

Repeal MPP Section 40-103.82:

40-103 DEFINITIONS AND DESIGNATIONS - GENERAL (Continued) 40-103

.8 Aid Programs (Continued)

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- ~~.82 Aid to the Potentially Self-Supporting Blind -- to provide financial aid to encourage blind persons 16 years of age and over to take advantage of and enlarge their economic opportunities to render themselves independent of public assistance and become independent of public assistance and become self-supporting. APSB is the designator for this program. When the initials AB appear in these regulations, they shall also apply to APSB, unless specifically designated otherwise at the beginning of the chapter or division involved.~~

Authority: Welfare and Institutions Code Section 10553.

Reference: Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-107.2 to read:

40-107 COUNTY RESPONSIBILITY (Continued)

40-107

.2 Arrangement for Substitute Payee, Guardian or Conservator

When there is a need for a person to act as a substitute payee on behalf of a recipient or when there is need for protection in the form of a guardian or conservator for the recipient, the county is responsible for assisting in the development of a satisfactory plan.

In planning for selection and appointment of someone to act in behalf of a recipient as a substitute payee, guardian or conservator, every effort must be made to protect the interests of the recipient and to avoid any possible conflict of interest. The recipient has the right to select the substitute payee, guardian or conservator to the extent of his capability.

Aid may be paid on behalf of the recipient to such substitute payee, guardian or conservator subject to the requirements and limitations specified below and in Sections 44-303, 44-307, and Chapter 38-228 44-309, and 44-310.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554.

Amend MPP Section 40-107.5 to read:

40-107 COUNTY RESPONSIBILITY (Continued)

40-107

.5 Notification of the Right to a Fair State Hearing

At the time aid is granted or denied and whenever there is a change in eligibility or amount of payment, the applicant or recipient shall be advised of the right to request a fair state hearing. If the applicant or recipient expresses dissatisfaction, the county shall make every effort to resolve the problem. However, if ~~he~~ the applicant or recipient chooses to have a fair state hearing, the county has the further responsibility to shall assist ~~him~~ the individual in the preparation of the fair state hearing request, and of advising ~~him~~ the applicant or recipient of his the right to be represented by counsel or other authorized representatives as set forth in Chapter 22-000.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554, 10950, and 45 CFR 205.10(a)(3).

Amend MPP Section 40-115.211 and .212 to read:

40-115 THE APPLICATION PROCESS (Continued)

40-115

•2 Steps in the Application Process

•21 Discussion of Circumstances Leading to Application

- 211 The individual with the help of the worker tells why he/she is applying for aid or services, with the worker explaining agency requirements, program limitations, the applicant's rights and responsibilities and what he/she can expect from the agency.
- 212 If the applicant indicates on the CA 1 or APSB 201 that he/she is in immediate need or indicates at any time during the application process that he/she is in an emergency situation where his/her resources are insufficient to meet the cost of the emergency situation, the county at that time shall make a determination of whether immediate need exists. (See Section 40-129, Immediate Need.) "Applicants" under this section include those who do not need to submit an application under Section 40-121.3.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 11056 and 45 CFR 206.10(a)(2)(i).

Repeal MPP Section 40-117.1

40-117 WHO MAY APPLY

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- .1 Right to Initiate an Application for APSB
 - .11 Any person has the right to apply for aid by completing the CA 1.
 - .12 An application for aid submitted by another person on behalf of an applicant shall be considered if:
 - .121 The application is submitted by the applicant's guardian or conservator, or
 - .122 The applicant is unable to apply on his/her own behalf, and the application is submitted at his/her request. (Also see Section 40-128.3 regarding Statement of Facts.)

Authority: Welfare and Institutions Code Section 10553.

Reference: Statutes 1981, Chapter 69, Section 23.

Repeal MPP Section 40-117.4

40-117 WHO MAY APPLY (Continued)

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~~4 Application Previously Denied~~

~~The individual whose application for APSB has been denied by reason of ineligibility may not again apply for the same program until the expiration of 90 days from the date the previous application was denied. The 90-day period shall be waived, with the consent of the county, or on order of the State Department of Social Services, or when the condition which caused his application to be denied has materially changed.~~

Authority: Welfare and Institutions Code Section 10553.

Reference: Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-121.22 to read:

40-121 COMPLETING THE APPLICATION (Continued)

40-121

•2 Recording the Application (Continued)

•22 When granting of aid is ordered by SDSS following a fair
state hearing.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 11056.

Amend MPP Section 40-125.41 to read:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS,
 AND RESTORATIONS (Continued)

40-125

•4 Applicant is in County B but Lives in County A

•41 Responsibility of County B

County B shall assist in completing the application Form CA 1 and in securing the Statement of Facts (APSB 201 or CA 2), and shall also obtain pertinent information and immediately send the application, the appropriate Statement of Facts and supporting documents and information to the county in which the applicant lives (County A).

Upon the request of County A, County B shall assist in determining initial and continuing eligibility, developing a service plan, and in providing needed services to the applicant.

When the applicant or recipient in a state hospital is to be released and will reside in a County B (see .32 above), County B shall also upon request of the State Department of Health Services or State Department of Benefit Payments Social Services liaison staff, provide any needed assistance to expedite the application process or to determine continuing eligibility. This county shall also assist, as needed, in planning for care of the applicant outside the hospital, keeping County A informed promptly of its activities on behalf of the applicant.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10550, 10554, and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-126.1 to read:

40-126 PROMPTNESS REQUIREMENT

40-126

- .1 The determination of eligibility including the gathering of any necessary evidence shall be completed promptly. One of the following must be mailed within 45 calendar days starting with the first day after the filing of the application: An aid payment, a notice of denial, or a notice that the applicant is eligible for APSB contingent on termination of SSI/SSP (see Section 40-173). The determination of APSB eligibility with respect to factors other than blindness shall proceed concurrently with the determination of blindness.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11055; 45 CFR 206.10(a)(3)(i), and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-128.1 and .11 to read:

40-128 APPLICANT'S STATEMENT OF FACTS

40-128

.1 Filing and Appropriate the Statement of Facts

- .11 The applicant, in support of his/her application, shall complete, sign, and file with the county a the Statement of Facts (CA__2) supporting his/her eligibility for assistance, per the form prescribed by the Department of Social Services ~~(form AP5B 201 for AP5B 6A 2 for AF06)~~. The statement may be filed with the county at the time of application or at any subsequent time prior to completion of the determination of eligibility. In case of an applicant in "immediate need," see Section 40-129.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554; 45 CFR 206.10(a)(1)(ii), and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-128.⁴~~12~~ to read:

40-128 APPLICANT'S STATEMENT OF FACTS (Continued)

40-128

.1 Filing and Appropriate the Statement of Facts (Continued)

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.~~12~~ A change in an aid recipient's status from that of a medically needy person certified for medical assistance to that of a grant recipient ~~does not requires~~ a new application. A Statement of Facts, ~~APSB 201~~ or (CA 2) as appropriate is required before a cash grant is authorized for such person only in circumstances described in Section 40-183.5.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 11050, 11054, 11057; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(6), and Statutes 1981, Chapter 69, Section 23.

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.3 Who May Sign the Statement of Facts for APSB

- .31 The Statement of Facts and other documents relating to eligibility for APSB are to be signed by the applicant. Where the applicant is determined by the county to be unavailable or unable to sign, the Statement of Facts and such documents may be completed on behalf of the applicant by his/her guardian, the conservator of his/her estate, a relative, a close personal friend, or by a representative of a public agency, provided any such person has all the necessary knowledge of the applicant's circumstances and is willing to affirm thereto.
- .32 Inability of the applicant to act in his/her own behalf in completing the Statement of Facts is an indication that the applicant may not be able to pursue a plan of self-support and, therefore, would not be a proper candidate for APSB. If it is determined that the applicant is not a proper candidate for APSB, the county shall advise him/her of the availability of SSI/SSP benefits through the Social Security Administration.

Authority: Welfare and Institutions Code Section 10553.

Reference: Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-129.1(a) and repeal (c) to read:

40-129 IMMEDIATE NEED

40-129

.1 The intention of these provisions is to ensure that an applicant in immediate need receives either:

- (a) An aid payment if he/she is eligible for AFDC or APSB or
- (b) an immediate need payment if eligibility for AFDC is apparent but not yet verified. An alien applicant who does not provide verification of his/her eligible alien status, or a woman with no eligible children who does not provide medical verification of pregnancy is not apparently eligible for the purposes of this section. The immediate need determination and payment, if appropriate, should be completed on the day the recipient indicates immediate need. In no event shall this be completed later than the following working day.
- (c) referral to other available assistance programs (e.g., Food Stamps, GR SSI/SSP) if the eligibility of an applicant for APSB cannot be readily verified until such time as eligibility can be determined.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Sections 10051, 10554, 11056, 11266; 45 CFR 206.10(a)(5)(i), and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-129.3 to read:

40-129 IMMEDIATE NEED (Continued)

40-129

- .3 The county shall always be alert to situations of immediate need at the time of application or at any time during the application process and shall take the action necessary to assist the applicant in applying for Immediate Need. When an applicant indicates verbally or in writing that he/she is in immediate need, a Form 6A 4 shall be completed and the county shall review ~~it~~ the circumstances immediately.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554, 11056, and 11266.

Amend MPP Section 40-129.32, .4, .41, .42, and .437 to read:

40-129 IMMEDIATE NEED (Continued)

40-129

.3 (Continued)

- .32 If the county determines immediate need exists, the applicant shall complete the Form CA 2 or APSB 201 immediately.

.4 The county shall review the Form CA 2 or APSB 201:

- .41 If eligibility for AFDC or APSB does not exist, the application is denied (see Section 40-115.232).
- .42 If eligibility for AFDC or APSB is determined, the county shall issue the aid payment for which the applicant is eligible. In AFBE this payment shall be made no later than the following working day, or,

.43 (Continued)

- .437 When verification of eligibility is completed, the county shall compute the aid payment from the beginning date of aid. (See Sections 44-317.1 and 47-817.1, Beginning Date of Aid.) The amount of aid granted as an immediate need payment shall be offset against this aid payment and the county shall issue the remainder, if any.

If a second immediate need payment is made in the following month, it is offset against the aid payment for that month.

Authority: Welfare and Institutions Code Sections 10553, and 10554.

Reference: Welfare and Institutions Code Sections 11054, 11056, 11266, and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-131.1 to read:

40-131 INTERVIEW REQUIREMENT

40-131

.1 Interview Required Prior to Granting Aid

A face-to-face interview with the applicant is required prior to the granting of aid ~~(see Section 10-501.3)~~. For the home visit requirement in AFDC, see Section 40-161.

Authority: Welfare and Institutions Code Sections 10553, and 10554.

Reference: Welfare and Institutions Code Sections 10554, and 11052.5.

Amend MPP Section 40-131.3j to read:

40-131 INTERVIEW REQUIREMENTS (Continued)

40-131

•3 Content of Application Interview

The application interview shall include discussion of the following as pertinent: (Continued)

- j. The right to request a ~~fair~~ state hearing in relation to any action or inaction of the county, including a verbal explanation, in a manner and language which the applicant understands, of the nature of the ~~fair~~ state hearing process.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10554, and 45 CFR 206.10(a)(2)(i).

Repeal MPP 40-131.3o:

40-131 INTERVIEW REQUIREMENTS (Continued)

40-131

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent: (Continued)

- o. ~~The role of the county and the role of the DSS in the determination of blindness.~~

Authority: Welfare and Institutions Code Section 10553.

Reference: Statutes 1981, Chapter 69, Section 23.

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Repeal MPP Section 40-157.15

40-157 PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY 40-157

R .1 Principles of Gathering Evidence (Continued)

E .15 The State Department of Health evaluates all examination
P reports made to determine the degree of blindness in
E APSB unless this is not required under circumstances
A specified in Chapter 47-400.
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Authority: Welfare and Institutions Code Section 10553.

Reference: Statutes 1981, Chapter 69, Section 23.

40-167 APPLICATION AND DETERMINATION OF ELIGIBILITY 40-167
PROCEDURE FOR APPLICANTS IN STATE HOSPITALS
WHO ARE TO BE RELEASED

The following procedure shall be followed for an applicant who is ineligible to receive aid while he remains in a state hospital but who is to be released from the hospital.

.1 State Department of Health Responsibility

State Department of Health's responsibility prior to patient's release from state hospital:

- .11 Identifies persons in state hospitals who are apparently ready for community living and thus are to be discharged or released on leave of absence.
- .12 Plans in advance with the county where the patient will be living (see Section 40-125), if it appears such person will be in need of financial assistance following his release. Such advance planning is, wherever possible, to be initiated at least 60 days or more before the patient's release.

The patient who is to be released on leave of absence or discharge is considered to "live" in the county from which he was admitted to the institution. Wherever possible and consistent with a sound plan for the patient, the State Department of Health will endeavor to return him to the county from which he was admitted when he is released on leave of absence or discharge. However, such a placement plan is not always possible or in the best interest of the patient. If the released patient is to be cared for in a county other than the county from which he was admitted, the county from which admitted is still the county in which he is considered to "live" and primary responsibility for the public assistance case rests with the county. However, as provided in Section 40-125, the county in which he is to be cared for is also responsible for providing needed service to the patient.

- .13 Identifies immediately to the county any patient who does not have a guardian or conservator but it appears will need one.

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- .14 Plans with the patient for living arrangements outside the hospital and informs the county of those arrangements.
- .15 Provides the county with all available information regarding the patient's needs, income, resources, close relatives, etc.
- .16 Informs the county of any significant changes such as a change in plan for the patient's discharge or release.
- .17 Informs the county welfare department immediately when the patient is discharged or placed on leave, the date of such release, and the patient's address if different from that reported in earlier planning with the county.

.2 County Responsibility Prior to Patient's Release from State Hospital

(See Section 40-125.3 re county responsibility for the person released or discharged from a state hospital.)

.21 The county shall:

- .211 Cooperate with the State Department of Health Continuing Services Section in advance planning for the patient in a state hospital who has been determined ready for release on leave of absence or discharge and who apparently will need public assistance following his release.

Social planning is a collaborative function of the SDOH Continuing Care Services Section and the county. Counties will rely on the Continuing Services Section for assistance both in planning and in continuing supervision and help to the recipient during his community adjustment.

- .212 Assist, when requested by the State Department of Health or the SDOH Continuing Care Services Section, in locating satisfactory living arrangements for the patient in the local community.

During contacts with family and relatives, the county will learn of attitudes and relationships which will become the most significant part of the recipient's environment. If the family is frightened, hostile, or uninformed, or is involved in problems that will be harmful to the

recipient's adjustment, the county should convey this information to the hospital social worker. The county may need to arrange for the family to visit the hospital for further interpretation and discussion, in case the hospital worker thinks this advisable before final plans are made for the person's release.

.213 Accept and process applications for public assistance as rapidly as possible.

.214 Assist in arranging guardianship or conservatorship for the patient when need for such is evident. (See Item .13 above under Responsibility of State Department of Mental Hygiene and Section 40-128.)

.3 County Responsibility After Patient's Release from State Hospital

.31 Continue to provide financial and medical assistance to which the patient is determined eligible.

.32 Provide such other services as are appropriate and available to other public assistance recipients with emphasis on assisting the recipient to adjust to living outside an institutional setting and promoting self-care and rehabilitation.

.33 Continue to plan with the State Department of Health and SDOH Continuing Care Services Section to the end that there will be neither gaps nor duplication in the services provided for the individual recipient.

.4 SDOH Continuing Care Services Section Responsibility After Patient's Release from State Hospital

.41 Provide social work services and supervision related to the recipient's mental condition.

.42 Provide continuing consultation as needed to the county welfare department and/or to the operator of a foster home or boarding home where the recipient is living, such consultation to be in the nature of planning for and with the recipient to assist in his adjustment to community living.

.43 Plan with the county for any proposed change in the recipient's living arrangements or in services.

.44 Wherever possible, plan with the county before the patient is readmitted to the hospital and inform the county immediately when such readmission becomes necessary.

.5 Specific Application and Determination of Eligibility Procedure

When a person who is about to be released on leave of absence or discharged from a state hospital will be in need of financial assistance and wishes to apply for aid the application and investigation procedure is as follows:

.51 State Department of Health Initiates Application

Unless the county and state hospital work out a different mutually satisfactory procedure, the State Department of Health, acting on behalf of the applicant, applies for aid to the county where the applicant is considered to live. (See Section 40-125 and Section .12 above.)

.511 There is no guardian or conservator of the applicant's estate:

The State Department of Health --

- a. Prepares or assists the applicant in preparing in triplicate, the appropriate application and affirmation.
- b. Transmits the original and one copy of these forms to the county.
- c. Files one copy in the applicant's hospital file.

.512 There is a guardian or conservator of the applicant's estate:

The State Department of Health

- a. Prepares, in quadruplicate the application.
- b. Transmits the original and one copy to the county.
- c. Files one copy to the guardian or conservator.

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- d. Sends one copy to the guardian or conservator.

.52 Information to Accompany Application

The application by the State Department of Health will include or will be accompanied by:

- .521 A statement that the patient is ready for leave of absence or discharge and that it appears he will be in need of assistance.
- .522 A statement that application for aid is being made on behalf of the patient with his knowledge and consent (provided he is capable of such) or, if a guardian or conservator of the estate has already been appointed, that the application is being made with the knowledge and consent of such guardian or conservator. In such case, copies of the letters of guardianship or conservatorship are to be sent to the county with the application.
- .523 A resume of the social data in the hospital records and all significant information in the hospital records relating to financial and service needs of the patient and to eligibility factors such as residence, age, relatives, property (real or personal), income, etc.
- .524 Information as to the living arrangements which will be available for the patient when eligibility to aid has been established.

If it appears a guardian will be needed, the hospital social worker will provide the county with a statement to that effect at the time the application is initiated.

.53 County Responsibility for Determination of Eligibility

The county is responsible for the usual determination of eligibility and for granting or denying aid. The State Department of Health may be asked to obtain further information from the applicant or to make collateral calls in the county in which the institution is located.

If there is a guardian or conservator of the applicant's estate other than the state hospital, the county is responsible for securing the appropriate affirmation (see Section 40-128.3).

Wherever possible, the patient and/or his guardian or conservator are to be interviewed by a representative of the county during completion of the determination of eligibility.

If the person on whose behalf the State Department of Health has filed an application has no guardian of his estate but will need one, the county will, upon receipt of such an application, assist in arranging a satisfactory guardianship for the applicant. While efforts are being made to arrange guardianship, the county will proceed with the determination of eligibility. (See Section 40-128 regarding completion of the affirmation, when protective service in the form of guardianship is necessary.) When the affirmation is completed by a guardian or by another person acting in behalf of the applicant as provided in Section 40-128, one copy of the form is given to such person and one is sent to the applicant in care of the Hospital Social Service Department.

.55 Verification of Plan for Patient's Release

Just prior to the granting of aid, the county obtains verification from the hospital that a plan has been completed for the applicant to leave the institution when aid is granted.

.56 Notification of County Action on Application

Immediately after county action either granting or denying aid, the applicant and/or the person acting in his behalf and the state hospital from which the applicant is to be given a leave of absence or discharge are notified of the action taken. If aid is granted and the applicant has no guardian of the estate, the first warrant is mailed to him in the state hospital. If there is a guardian of the estate, the warrant is mailed to the guardian.

.6 Patient on Leave of Absence or Discharged from State Hospital

Any patient on leave of absence from a state hospital or discharged from a state hospital may be granted APSB if he is otherwise eligible.

Authority: Welfare and Institutions Code Sections 10553, and 10554.

Reference: Welfare and Institutions Code Sections 10553, 10554, and 10740.

Amend MPP Section 40-171.221(e) to read:

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS 40-171
AND INTRAPROGRAM STATUS CHANGES (Continued)

•2 (Continued)

•22 Application or Request for Restoration Denied

•221 County action shall be taken to deny aid if:
(Continued)

e. The parent refuses to accept reasonable employment or vocational rehabilitative employment related training when either is appropriate. ~~(See Chapter 30-150.)~~ (See Chapter 41-442.2).

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554 and 11310.

Amend MPP Section 40-181.11 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

.1 General County Responsibility

- .11 The county paying aid shall be responsible for continuing to determine eligibility, to insure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capabilities. For AFDC-FG or U cases, eligibility shall be established by the use of the CA 2 at time of application and then at one year intervals, and also by the CA 7 (Monthly Eligibility Report). For AFDC-FC cases, eligibility shall be established by use of the CA 2 at the time of application if the parent or legal guardian is available and cooperating. If the parent or legal guardian is unavailable or not cooperating, eligibility shall be established by use of the CA 2 or FC 2. AFDC-FC eligibility shall be reestablished by use of the CA 2 or FC 2 at six-month intervals.

However, additional determinations shall be made as necessary if unexpected changes in income, property or other circumstances occur which ~~effect~~ affect the eligibility or grant level of the recipient.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554, 11050, 11055, 11265, 11404.1, and 45 CFR 206.10(a)(9).

Amend MPP Section 40-181.121 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

•1 General County Responsibility (Continued)

•12 Issuance of aid in the correct amount is a primary program objective. To achieve this objective it is essential that the county shall:

•121 Give applicants and recipients at the time of application and at least once every twelve months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, and their responsibility to report such changes within five calendar days (Section 40-105.14, Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the CA 2 for AFDC, and the APSB 201 in APSB. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Section 10554; 45 CFR 206.10(a)(2), and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-181.14 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

.1 General County Responsibility (Continued)

- .14 Aid shall not be discontinued due solely to circumstances beyond the control of the recipient which prevents reporting changes within five calendar days or the prompt return of the AP58 2017 CA 2 or CA 7 eligibility redetermination forms.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 11265, and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-181.1⁷~~6~~ to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

•1 General County Responsibility (Continued)

- 1⁷~~6~~ Index and file controls shall be established and maintained to ensure appropriate and timely action on items which could affect the recipients' eligibility or the amount of aid. This includes, but is not ~~limited~~ limited to, maintaining a "tickler file" informing eligibility workers when annual redeterminations are due.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554, 11265, and 45 CFR 206.10(a)(2)(ii).

Amend MPP Section 40-181.252(f) to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATIONS OF ELIGIBILITY 40-181
(Continued)

•2 (Continued)

•25 (Continued)

- 252 The CA 72 shall be due by the 5th calendar day of each month but not before the first calendar day of the report month. When the CWD has not received the completed CA 72 by the 11th calendar day of the report month, the recipient has not met the requirement for returning a complete CA 7. See Section 40-181.22. The CA 72 shall be considered complete if all the following requirements are met: (Continued)

(f) Evidence shall be submitted with the CA 72 to establish the gross amount of income received by the sponsor, and the date of receipt. See Section 40-181.2451(f) for examples of acceptable evidence.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554 and 11008.13.

Amend MPP Section 40-181.41 and .42 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

.4 Determination of Eligibility During Absence From the State, County, or Country (Continued)

- .41 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his/her departure and of changes in his/her living plan, income, and needs. If absent from the state, he/she is also required to inform the county of his/her residence intent. If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if an intercounty transfer is in order (see Section 40-187). If the recipient leaves the state, the county shall immediately determine his/her residence intent and take appropriate action as provided in Chapters 42-400 and 47-300.
- .42 When a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the appropriate Statement of Facts (CA 2) shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed APSB 201 or CA 2 and return it with a report on the recipient's plan regarding his/her living arrangements, current needs and income, if he/she is out of state.

Authority: welfare and Institutions Code Sections 10553 and 10554.

Reference: welfare and Institutions Code Sections 10554, 11053, 11100, 11101, 11102; 45 CFR 206.10(a)(10), and Statutes 1981, Chapter 69, Section 23.

Amend MPP Section 40-191.2 to read:

40-191 DISCONTINUANCE DURING TRANSFER PERIOD (Continued) 40-191

•2 Recipient Responsibility

Where aid is discontinued for cause during the transfer period, and the recipient does not appeal the discontinuance through the fair state hearing process but wishes to reapply due to a change in his/her circumstances, he/she must reapply for aid with the county in which he/she currently resides.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10950 and 11102.

Amend MPP Section 40-197 to read:

40-197 DISPUTE REGARDING COUNTY RESPONSIBILITY (Continued) 40-197

•2 Grant of Services During Dispute Period

In the event of a dispute, payment of aid or provision of medical assistance to an otherwise eligible applicant or recipient, shall be provided by the county to which application is made or shall be continued by the county currently paying aid. Such payment shall continue pending the determination of the dispute and shall be subject to the claim adjustments provided in Section 40-197.1 above.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554, 10740, 10806, 11053, and 11102.